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No. _____

IN THE

Supreme Court Of The United States

IN RE: VICTORIO C. RIVERA
Petitioner,

vs.

HONORABLE PROCTER HUB JR., Chief Judge
of the United States Court of Appeals
for the Ninth Circuit, et al.,
Respondents.

**On Petition for Extraordinary Writ
of Mandamus and/or Prohibition
to the United States Court of Appeals
for the Ninth Circuit**

AMENDED PETITION FOR EXTRAORDINARY WRIT

VICTORIO C. RIVERA
4926 Pullman Ave. SE
Salem, Oregon 97302
Phone: (503) 581-4649
Petitioner pro se

10688

QUESTIONS PRESENTED

1. Whether or not, petitioner Rivera, who belongs to the Brown race or Asian race, is entitled to enforcement of the provisions of the First, Fourth, Fifth, Sixth, Eight, and Fourteenth Amendments to the Constitution of the United States and under federal law, particularly the Civil Rights Act, Title 28 U.S.C. § 1343; and Title 42 U.S.C. §§§§§ 1981, 1982, 1983, 1985(3), & 1986, denied him by respondents?

2. Whether or not, the Chief judge and the Judicial Council "engaged in conduct prejudicial to the effective and expeditious administration of the business of the courts" after, they knowingly and willfully concealed the fact that numerous undisputed criminal acts and civil rights violations were willfully committed against petitioner by the State of Oregon, et al, in violation of Rule 10(b) of the RULES OF THE JUDICIAL COUNCIL OF THE NINTH CIRCUIT GOVERNING COMPLAINTS OF JUDICIAL MISCONDUCT OR DISABILITY?

3. Whether or not, petitioner Rivera has the right to petition the Judicial Conference of the United States for review of the Judicial Council decision as provided in Rule 14(i) of the RULES OF THE JUDICIAL COUNCIL OF THE NINTH CIRCUIT GOVERNING COMPLAINTS OF JUDICIAL MISCONDUCT OR DISABILITY?

LIST OF ADDITIONAL RESPONDENTS TO THE PROCEEDING:

1. Judicial Council of the United States Court of Appeals for the Ninth Circuit:

   (a) Hon. Mary M. Schroeder, Circuit Judge
   (b) Hon. Pamela Ann Rymer, Circuit Judge
   (c) Hon. Thomas G. Nelson, Circuit Judge
   (d) Hon. Hawkins, Circuit Judge
   (e) Hon. Broomfield, District Judge
   (f) Hon. Hogan, District Judge
   (g) Hon. Keep, District Judge
   (h) Hon. Ezra, District Judge

2. Honorable Thomas M. Coffin, Magistrate Judge of the United States District Court for Oregon, Division of Eugene.

6. Real Parties in Interest:

   (a) State of Oregon
   (b) John A. Kitzaber
   (c) Don A. Dickey
   (d) Marion County
   (e) Randall Franke
   (f) Mary B. Permine
   (g) Gary Heer
   (h) Dale Penn
   (i) Helen Cooper
   (j) Robert E. Nordyke
   (k) Lester Stringer
   (l) Viola Stringer
   (m) David Wilson
   (n) Sherill Wilson
   (o) Gary R. Tesch
   (p) Tony Whisman
   (q) Stephanie L. Whisman
   (r) State Accident Insurance Fund Corp.
   (s) Oregon State Bar
   (t) American Civil Liberty Union
   (u) Richard D. Barber

CORPORATE DISCLOSURE STATEMENT:

1. Victorio C. Rivera is an individual;

2. Victorio C. Rivera is not a subsidiary of anybody, and

3. Victorio C. Rivera does not have any subsidiaries.

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PETITION FOR EXTRAORDINARY WRIT

Petitioner Victorio C. Rivera respectfully request that an extraordinary writ of mandamus and/or prohibition be issued to the Honorable Chief Judge Procter Hug Jr. and to the Honorable Judicial Council of the United States Court of Appeals for the Ninth Circuit because, they knowingly and willfully violated the Code of Judicial Responsibility and willfully "engaged in conduct prejudicial to the effective and expeditious administration of the business of the courts" for their willful refusal to adopt and enforce Rule 10(b) and Rule 14(i) of the RULES OF THE JUDICIAL COUNCIL OF THE NINTH CIRCUIT GOVERNING COMPLAINTS OF JUDICIAL MISCONDUCT OR DISABILITY, as provided in Title 28 of the United States Code of Section 372(c).

ORDERS AND MEMORANDUM BELOW

The Order issued by the Judicial Council of the United States Court of Appeals for the Ninth Circuit filed on June 21, 1999 affirming the dismissal order filed on May 5, 1999 by the Chief Judge of the United States Court of Appeals for the Ninth Circuit was not entered and was marked "NOT FOR PUBLICATION" is reproduced in Appendix A, at App 1[1]

The Order and Memorandum issued and filed on May 5, 1999 by the said Chief Judge was not entered. It is reproduced in Appendix B, at App. 2-App. 4.

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[1]Citations to the various Appendices throughout this petition will be designated as "App.," with pertinent appendix page numbers.

JURISDICTION

This amended petition for extraordinary writ is filed within the 60 days after July 29, 1999, the date of the Clerk of the Court's letter addressed to petitioner Rivera. App.E, at App. 18-19. The statutory provision which confers jurisdiction on this Court to review the decision in question by an extraordinary writ is 28 U.S.C. § 1651(a).

CONSTITUTIONAL PROVISIONS, TREATIES, STATUTES, ORDINANCES, AND REGULATIONS

The following constitutional provisions, treaties, statutes, ordinances, and regulations are significantly involved in this case:

1. First Amendment to the United States Constitution; App. F, at App. 20
2. Fourth Amendment to the United States Constitution; App. G, at App. 20
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4. Sixth Amendment to the United States Constitution; App. I, at App. 21
5. Eight Amendment to the United States Constitution; App. J, at App. 21
6. Fourteenth Amendment to the United States Constitution; App. L, at App. 21
7. 28 U.S.C. § 372(c); App. L, at App. 22
8. 28 U.S.C. § 1343 Civil Rights; App. M, at App. 22
9. 42 U.S.C. § 1981; App. N, at App. 23
10. 42 U.S.C. § 1982; App. O, at App. 23
11. 42 U.S.C. § 1983; App. P, at App. 23
12. 42 U.S.C. § 1985(3); App. Q, at App. 23

13. 42 U.S.C. § 1986; App. R, at App 24

14. Oregon Constitution, Article 5, section 10; App. RR, at App. 76

15. Code of Judicial Responsibility:
Canon 1, Canon 2, and Canon 3; App. S at App. 24-26

16. Rules of the Judicial Council of the Ninth Circuit governing Complaints of Judicial Misconduct or Disability; App. T, at App. 27-28

STATEMENT OF THE CASE

I

INTRODUCTION

Petitioner Victorio C. Rivera was forced to file a judicial misconduct complaint against Magistrate Judge Thomas M. Coffin of the United States District Court for Oregon, Division of Eugene in the United States Court of Appeals for the Ninth Circuit as provided in Title 28 USC § 372(c), because Judge Coffin knowingly and willfully acted in concert with the State of Oregon, et al, and unlawfully "engaged in conduct prejudicial to the effective and expeditious administration of the business of the court"to deprived petitioner Rivera of his right to a "DAY" in a competent court by "SWEEPING UNDER THE RUG" petitioner's verified prima facie undisputed Complaint of 270 averments and supported with 42 Exhibits certified to be true and correct copy of the original documents against the State of Oregon, et al, docketed as Case No. 98-6256-TC in the United States District Court for Oregon, Division of Eugene on September 14, 1998.

Petitioner was forced to represent himself pro se in this case, after, he was and is now, "blacklisted" from getting legal representation by a competent attorney by the State of Oregon, et al. The State of Oregon, et al knowingly and willfully deprived petitioner Rivera of his constitutional rights from filing papers in courts. The Chief Executive Officer John A. Kitzhaber, Governor of the State of Oregon, knowingly and willfully deprived petitioner of his constitutional right to petition the Government for redress of grievances by denying him of his right to "USE" or "OWN" a typewriter; App..X, at App. 36 to conceal the fact, that petitioner was and is now the victim of numerous undisputed criminal acts and civil rights violations by the State of Oregon, et al such as:

1 Attempted "MURDER" by hanging on or about October 29, 1997 during his unlawful incarceration without jurisdiction or probable cause;

2. Two attempted "KIDNAPPINGS" by the Peace officers;

3. "AGGRAVATED ASSAULT AND BATTERY" by breaking his right upper arm in four places with a metal tool, during his sleep, by the Peace Officers;

4. Nine "FALSE ARRESTS" without jurisdiction or probable cause; App.FF , at App. 49-51;

5. Nine "FALSE INCARCERATIONS" without jurisdiction or probable cause;

6. "ROBBED" of monies paid as security deposits "BAILS";

7. "FALSE CONFINEMENT" in the Oregon State Hospital without jurisdiction or probable cause; App. QQ at App. 73-75;

8. "ROBBED" of real estate property located at 4905 Pullman Ave. SE, Salem, Marion County, Oregon, fully paid and secured by a Warranty Deed No. 35126, without compensation or consideration; App. HH, at App. 54-55;

9. "ROBBED" of real estate property located at 3995 Sunset Hills Drive, Sunset Hills Estates, Turner, Marion County, Oregon, fully paid and secured by a Special Warranty Deed No. 21752, as Parcel #1 of Minor Partition No. 14-91, without compensation or consideration; App. JJ, at App. 59-60;

10. "ROBBED" of real estate property located at 3995 Sunset Hills Drive, Sunset Hills Estates, Turner, Marion County, Oregon, fully paid and secured by a Special Warranty Deed No. 21752, as Parcel #2 of Minor Partition No. 14-91, without compensation or consideration; App. KK, at App. 61-62;

11. "ROBBED" of real estate property located at 3995 Sunset Hills Drive, Sunset Hills Estates, Turner, Marion County, Oregon, fully paid and secured by a Special Warranty Deed No. 21752, as Parcel #3 of Minor Partition No. 14-91, without compensation or consideration; App. LL, at App. 63-64;

12. "ROBBED" of Inheritances, as the Sole Devisee to the estate of decedent Dr. Elias J. Umali, as provided in "probated" LAST WILL AND TESTAMENT executed on August 20, 1980; App. CC, at App. 42-46;

13. "ROBBED" of State-job after 12 YEARS of excellent work performance on his job, by unlawfully discharged from employment without a promotion or compensation; App. U, at App. 29-31;

14. "HARASSMENTS" by depriving petitioner and family, from entering his property for nine years, by placing a personalized padlock "Bell System" on his gate;

15. "OBSTRUCTION OF JUSTICE" to cover up numerous undisputed criminal acts and civil rights violations;

16. "FORGERY" of several public documents;

17. "CONSPIRACY" to destroy petitioner in his person and rob him of his properties;

18. "FORCIBLE ENTRY" and "UNLAWFUL DETAINER" of his real estate properties;

19. "LARCENY" by taking his money from the Banks;

20. Obtaining his properties by "FALSE PRETENSES";

21. Refusal of attorneys to lawfully represent petitioner;

22. Refusal of the District Attorney to investigate and to prosecute;

23. Refusal of the Oregon State Attorney General to make investigation and prosecution;

24. Refusal of the Governor of the State of Oregon to request or direct the Attorney General to investigate and prosecute;

25. Refusal of the Oregon State Bar to give representation;

26. Refusal of the American Civil Liberty Union to give representation;

27. Refusal of the Oregon State Courts to allow petitioner a "DAY" in a competent court;

28. Refusal of the United States Attorney for Oregon to make investigation and prosecute;

29. Refusal of the Portland Office of the Federal Bureau of Investigation "FBI" to make investigation and prosecution; App. NN, at App. 67;

30. Refusal of the Office of Professional Responsibility of the Department of justice of the United States to make investigation and prosecution; App. OO, at App. 68;

31. Refusal of the Magistrate Judge of the United States District Court for Oregon, Division of Eugene to allow petitioner a "DAY" in a competent court;

32. Refusal of the "News Media" to make investigation and to expose "corruption" in the government;

33. Refusal of the Chief Judge of the United States Court of Appeals for the Ninth Circuit to investigate and prosecute; App. B, at App. 2;

34. Refusal of the Judicial Council of the United States Court of Appeals for the Ninth Circuit to investigate and prosecute; and App A, at App. 1;

35. Petitioner deprived of his right to petition the JUDICIAL CONFE-ENCE OF THE UNITED STATES to review Ninth Circuit Judicial Council action.

II.

SUMMARY OF HISTORY

1. On March 30, 1998, petitioner Rivera served Notice of Claims to the State Administrator of the State of Oregon, after he became the victim of the numerous criminal acts and civil rights violations willfully committed by the State of Oregon, et al, as a requirement provided in the Oregon Revised Statutes "ORS" 30.275 for jurisdiction purposes prior to filing of suit against a Public Body. App. V, at App. 32-34.

2. On April 14, 1998, the State Administrator of the State of Oregon knowingly and willfully denied petitioner Rivera's Notice of Claims served on March 30, 1998, allowing him to file suit on the claims before the United States District Court for Oregon, Division of Eugene on September 14, 1998. App. W, at App. 35.

3. This action arises under the United States Constitution, particular-

ly under the provisions of the First, Fourth, Fifth, Sixth, Eight, and Fourteenth Amendments to the Constitution of the United States and under federal law, particularly the Civil Rights Act, Title 42 of the United States Code, sections 1981, 1982, 1983, 1985(3), and 1986.

4. Petitioner Rivera is a Filipino, and a native of the Philippines. He belongs to the Brown race or Asian race. He is 74 years old, a widower and a naturalized citizen of the United States and resides at 4926 Pullman Ave. SE, Salem, Oregon for 32 years. He was hired by the State of Oregon in 1965, to perform the duties of a graphic artist-2 level for the State Accident Insurance Fund "SAIF". Petitioner worked with excellent performance in his job for 12 years without a promotion. His problems with the State of Oregon started when he discovered that petitioner was required to perform the duties of a graphic artist-3 level, but was paid the salary of a graphic artist-2 level. He requested re-evaluation of his Job Description. The State Accident Insurance Fund "SAIF" responded by creating a "sham" 30 charges to constitute misconduct, inefficiency, incompetent, insubordination, etc. against petitioner Rivera and "FIRED" him from his State-job on November 22, 1977, after 12 years of excellent work performances on his job. Petitioner filed a complaint with the State of Oregon Employment Division for his unlawful discharged by SAIF. At the hearing, SAIF's representative failed to prove a single one of the 30 charges used to fired petitioner from his State-job. As a result, an Administrative Decision was issued in favor of the petitioner Rivera, allowing benefits dated December 30, 1977. App. U, at App. 29-31.

5. SAIF's representative filed an appeal on the Administrators Decision dated December 30, 1977, but later withdrew said appeal on February 9, 1978. The appellant's request to withdraw was granted and the Administrators Decision served on December 30, 1977 remained in effect and became FINAL on February 21, 1978 and is RES JUDICATA. However, said FINAL DECISION allowing benefits to petitioner Rivera was unlawfully "SWEPT UNDER THE RUG" and was never enforced. App. U, at App. 27-29. The State of Oregon and SAIF suffered an enormous embarassment that petitioner Rivera was continually harassed and discriminated against by the State of Oregon, et al, in violation of his constitutional rights and civil rights.

6. On June of 1993, petitioner Rivera discovered that the State of Oregon, et al knowingly and willfully "ROBBED" him of his real estate properties, without his knowledge and consent and without compensation

or consideration. This is a willful violation of his constitutional rights and civil rights. App. HH, JJ, KK, LL, at App. 59-64.

7. Also, petitioner Rivera was "ROBBED" of his inheritances as the Sole Devisee to the estate of decedent Dr. Elias J Umali as provided in the "probated" Last Will and Testament issued on August 20, 1980. App. CC , at App. 42-46.

8. The State of Oregon, et al knowingly and willfully utilized "incompetent" courts, "incompetent" Peace office "incompetent" prosecutors, jail, and the Oregon State Hospital to accomplish their evil intentions to destroy petitioner in his person, and destroy his properties and family.

9 On October 13, 1997, at about 9:00 p.m., petitioner was stricken with terror, when he discovered that his house located at 4926 Pullman Ave. SE, Salem, Oregon was unlawfully trespassed and surrounded by "Intruders" who identified themselves as "POLICE OFFICERS", but acted as "Kidnappers" because, they wanted petitioner to come out of the house and banged on the front and back doors, flashlights were criss-crossing from room to room through the windows, without a warrant and was executed at night time. Petitioner Rivera "FROZE" and said Police officers left about 11:00 that evening.

10. On October 14, 1997, while petitioner was gone to his art class in Woodburn, Oregon, several Peace officers were observed to be in out of the premises of petitioner Rivera. He was so scared to sleep at his home that his daughter invited him to stay for the night.

11. Petitioner Rivera and his daughter's family did not have sleep that night of October 14, 1997.

12. On October 15, 1997, and early in the morning, petitioner's daughter contacted her church's pastor (Trinity Covenant Church) if it would be possible to keep petitioner Rivera in said church while she called for an Attorney to represent him. The pastor agreed.

13. On October 15, 1997, Attorney Helen Cooper, of Salem, Oregon, agreed to represent petitioner Rivera but refused to talk with him nor appeared at the Marion County Corrections Facility, where he was presented by his daughter and by the pastor of the Trinity Covenant Church. He was arrested, handcuffed, shuckled, searched, finger-printed, photographed. And, then was lock-up in the maximum security jail without a probable cause.

14. On or about October 16, 1997, Attorney Helen Cooper, acting in concert with the State of Oregon, assured petitioner Rivera, that if he would dismiss his two pending undisputed Complaint of Ejectment against the Stringers and against the Wilsons, that she would make arrangement with Judge Don A. Dickey for an earlier release from jail, instead of serving the alleged "180 days" for the alleged Contempt of Court.

15. On or about October 16, 1997, Attorney Helen Cooper, acting in concert with the State of Oregon, knowingly and willfully deceived her client Rivera when she falsely alleged that petitioner Rivera was to be transferred from his maximum security cell to the Marion County Corrections Facility WORK CENTER to enable his daughter to pick him up that he could continue to teach painting with Chemeketa Community College. To the contrary, petitioner became the "victim" of attempted kidnapping during his sleep by the Peace officers, and also, the "victim" of an aggravated assault and battery by the Peace Officers, acting in concert with the State of Oregon.

16. On or about October 16, 1997, Judge Don A. Dickey knowingly and willfully compelled petitioner Rivera, to abide by the "sham" Special Conditions of Supervision. App. EE, at App. 48.

17. On or about the night of October 17, 1997, petitioner Rivera was unlawfully and "secretly" transferred from his maximum security cell to the Marion County Corrections Facility WORK CENTER in street clothes as allegedly pre-arranged by Attorney Helen Cooper with Judge Don A. Dickey.

18. In the middle of the night of October 18, 1997, while petitioner Rivera was asleep in his bed at the Work Center, he was interrupted by several "Intruders" dressed up in Police uniforms and demanded petitioner Rivera to come with them as ordered by Judge Dickey. Said intruders appeared to be "KIDNAPPERS" because when petitioner respectfully asked the Peace officers where he was to be taken, said Peace officers immediately and unlawfully pulled him out of his bed by his arms and legs and was dragged away and thrown hard to the floor hitting his head first and flat on his stomach.

19. In the middle of the night of October 18, 1997, while petitioner Rivera was tortured down on the floor by the Peace officers kneeling on his back and legs, they forcibly twisted his two arms and legs together behind his back and secured it with a chain. Petitioner Rivera shouted for Help!

Help! Help! but his voice was immediately drowned out by his fellow inmates by turning on the big vacuum cleaner machines.

20. In the middle of the night of October 18, 1997, while petitioner Rivera was tortured down on the floor, petitioner saw and felt that a metal tool was inserted between his upper right arm and his upper side, and the Peace officer unlawfully started clipping his arm with the metal tool and broke his upper arm in four (4) places; and severely damaged the muscles and nerves of his right arm.

21. Early morning of October 19, 1997, at about 2:00 a.m., petitioner Rivera was rushed to the Salem Hospital Emergency Room by the Peace Officers for surgery, as a result of the multiple fractures unlawfully inflicted on his right arm by the Peace officers.

22. On October 19, 20, and 21 of 1997, petitioner Rivera was continually harassed and humiliated at the Salem Hospital by the presence of two (2) Marion County Sheriffs on his side all the time. Said Sheriffs boasted of getting paid $30.00 an hour for wasting their time in guarding a helpless "tiny" individual weighing 115 lbs., 72 years old, and "chained" to his hospital bed.

23. On October 21, 1997, petitioner Rivera was discharged from the Salem Hospital with a "Sling" around his neck supporting his right arm in a cast, and was again hand-cuffed and shackled and was unlawfully taken back to the Marion County Corrections Facility's "solitary confinement". Petitioner was unlawfully placed under watch every 15 minutes day and night.

24. On October 22, 1997, petitioner Rivera was continually harassed by "systematic torture" and "deprivation of sleep" by playing again and again the tape recorded messages about his fabricated history and also, his daughter's fabricated life history, a detailed description of the inside of his house, including his legal cases, confidential letters, albums, news clippings, sex-life, and many others.

25. On October 28, 1997, the Marion County Corrections Facility's Security officers acting in concert with the State of Oregon knowingly and willfully brought petitioner Rivera to see Dr. William J. Gallagher for reexamination of his fractured right humerus after surgery on October 19, 1997. Dr. Gallagher made a report and quote in relevant part as follows:

"X-RAY EXAMINATION:

AP and lateral view of the right humerus shows screws and plate in place."

26. On October 29, 1997, petitioner Rivera without sleep was continually harassed and brainwashed with the continuous playing of tape recorded messages about his fabricated life history and his daughter's fabricated life history. Particularly, that petitioner's daughter was arrested for harboring a "fugitive" from justice and was to be deported, with the approval of the United Nations, as an unwanted citizen as reported by the World News. That petitioner's properties were confiscated and were all sold. That petitioner's body was to be dismembered piece by piece where it hurts. And, that petitioner's daughter was to be taken to Saudi Arabia's desert to be rape and to die.

27. On or about October 29, 1997, the State of Oregon, et al, knowingly and willfully "brain-washed" petitioner Rivera and made him to believe that the Sheriff was on his way to pick up petitioner for deportation and execution. Petitioner could hear the appearance of a huge crowd of people outside the building and the rattling of the chain dragged closer and closer to his cell.

28. On or about October 29, 1997, petitioner Rivera realized that he had only a few minutes left to act because, petitioner was placed under the 15 minute watch. He looked around to see what was available for him to use if he should decide between dying a slow painful death by dismemberment of his body parts or dying by hanging.

29. On or about October 29, 1997, petitioner Rivera discovered that his "SLING" supporting his right arm in a cast was an excellent tool to "HANG" himself from the metal step attached to the wall. The only problem was that it lacks the height to clear his legs.

30. On or about October 29, 1997, petitioner Rivera saw a Security officer peeped through the opening on the steel door, while he was in the process of placing his head inside the "SLING", but never questioned or stopped him from hanging himself.

31. On or about October 29, 1997, petitioner Rivera was forced to "HANG" himself from the metal step mounted on the wall by throwing his legs away so that his full weight would be enough to severe the flow of

blood to his brain. Petitioner Rivera passed out in the process of hanging. He tasted "DEATH" at the hand of the Peace officers.

32. Miraculously, on or about October 29, 1997, someone tapped him twice on the shoulder. He opened his eyes, but did not see anybody. He discovered himself on the floor and his "sling" hanging on the metal step attached to the wall. He sat up and slowly put back the sling over his shoulder and under his right arm in cast with some numbness in his arm. He must have hit his right arm hard on the cement floor as he passed out in the process and dropped hard on the floor.

33. on November 3, 1997, petitioner Rivera was released from jail with multiple bruises to his face, arms, neck, legs, and body.

34. On January 18, 1998, petitioner Rivera's fractured right humerus was examined by Dr. William J. Gallagher without the knowledge that petitioner was a living "SURVIVOR" of an attempted murder to his life by hanging. He made a report and quote in relevant part as follows:

> **"X-RAY EXAMINATION:**
>
> **AP and lateral view of the right humerus shows - It does look like the screws have backed out from the bone on the far side in the lower end of the plate."**

35. on February 16, 1998, Dr. William J. Gallagher examined petitioner Rivera's fractured right humerus and made a report and quote in relevant part(s) as follows:

> **"X-RAY EXAMINATION:**
>
> **AP and lateral view of the right humerus shows nonunion at the fracture site with increasing angulation laterally and screws pulling out a little bit more in the distal fragment.**
>
> **IMP: 1. Nonunion, right humerus fracture, with failed hardware.**
>
> **2. Cervical spine strained."**

36. On April 20, 1998, petitioner Rivera was again readmitted for another surgery of his humerus and a new plate and screws were substituted. A

bone graft taken from his ileum was used at that time as well. However, the radial nerve quit working and petitioner does not have full use of his hand yet.

37. On June 10, 1998, Dr. William J. Gallagher examined petitioner Rivera's fractured humerus and made a complete report. App. MM, at App. 65.

38. As of August of 1999, petitioner Rivera has not recovered full use of his right arm. His whole right arm feels very tight, heavy, and can not reach his back yet. Also, he can not make a close fist and limited as to what it normally can do. Furthermore, two large permanent scars were left on his right upper arm and to his right hip. The metal plate and screws were left attached to the bone.

39. The State of Oregon, et al knowingly and willfully "SWEPT UNDER THE RUG" petitioner Rivera's two (2) pending undisputed Complaints of Ejectment on the "merit" of the cases docketed as Case No. 96C-13493, Rivera v.-Stringers and Case No. 96C-13876, Rivera v. Wilsons as a "cover-up" of the fact, that said properties were robbed from petitioner Rivera, without his knowledge and consent, and without compensation or consideration by the State of Oregon, et al.

40. On May 13, 1998, the Governor of the State of Oregon, John A. Kitzhaber M.D. responded to petitioner Rivera's request for permission to use or own a "Typewriter" after, Judge Don A. Dickey ordered him not to use or own a "Typewriter", and not to file papers in Courts.The Governor's letter provides that: App. X at App. 36, App. RR, at App. 76; App. SS, at App. 76. .The judge's order provides that: App. Y at App. 37.

41. On September 14, 1998, petitioner Rivera was forced to file a complaint against the State of Oregon, et al in the United States District Court for the District of Oregon, Division of Eugene. The said Complaint was "verified" and contain 270 averments supported by 42 Exhibits certified to be true and correct copy of the original documents and was docketed as Case No. 98-6256-TC.

42. The State of Oregon, et al knowingly and willfully failed to file a "Responsive Pleading" or an "Answer" to petitioner Rivera's verified prima facie Complaint against them within the time required by law. The assigned Magistrate Judge Thomas M. Coffin acting in concert with the State of Oregon, refused to to perform his "Judicial Duty" by setting up a DATE for Jury Trial nor issue a determination whether or not there is a genuine issue of material fact for trial as provided in the Federal Standards on Motion for

Summary Judgment. As a result, said Case No. 98-6256-TC is still pending and hidden "UNDER THE RUG".

43. On December 26 and 30, 1998, and again on February 8, 1999, petitioner Rivera wrote to the United States Attorney for Oregon demanding prosecution of numerous "criminal acts" knowingly and willfully committed against him by the State of Oregon, et al.

44. On January 30 and March 15, 1999, petitioner Rivera wrote to the Office of Professional Responsibility of the Department of Justice of the United States regarding willful misconduct by the United States Attorney for Oregon.

45. On March 8, 1999, petitioner Rivera wrote to the Portland Office of the Federal Bureau of Investigation "FBI" reporting the numerous criminal acts and civil rights violations willfully committed against him in person and against his properties by the State of Oregon, et al. App. PP, at App. 69-72.

46. The Portland Office of the Federal Bureau of Investigation "FBI" responded to petitioner Rivera and quote as follows: App. NN , at App. 67.

47. On March 12, 1999, the Office of Professional Responsibility responded to petitioner Rivera's letter dated January 30, 1999 which provides and quote as follows: App. OO, at App. 68.

REASONS FOR GRANTING THE WRIT

I

EXTRAORDINARY WRIT SHOULD BE GRANTED BECAUSE THE NINTH CIRCUIT COURT OF APPEAL'S DECISION IS CONTRARY TO THE PLAIN LANGUAGE OF THE FIRST, FOURTH, FIFTH, SIXTH, EIGHT, AND FOURTEENTH AMENDMENTS TO THE UNITED STATES CONSTITUTION; 28 U.S.C. § 372(c); 28 U.S.C. § 1343; and 42 U.S.C. §§§§§ 1981, 1982, 1983, 1985(3), and 1986

This case involves a question of exceptional importance concerning the enforcement of the provisions of the United States Constitution, particularly, the right to petition the Government for a redress of grievances, and the right to due process of law set forth in the First, Fourth, Fifth, Sixth, Eight, and Fourteenth Amendments to the United States Constitution; Title 28 United States Code § 1343; Title 42 United States Code §§§§§ 1981, 1982, 1983, 1985(3), and 1986; and Title 28 § 372(c). The Ninth Circuit Court of Appeals' "sham" orders unlawfully departs from the enforcement of the provisions of the United States Constitution and Statutes by "SWEEPING UNDER THE RUG" petitioner Rivera's constitutional rights to petition the Government for a redress of grievances, and the right to due process of law on the following grounds:

1. **Pursuant to the First Amendment to the United States Constitution,** petitioner Rivera is entitled to his right to petition the Government for a redress of grievances because, petitioner was and is now the victim of numerous undisputed criminal acts and civil rights violations, knowingly and willfully committed by the State of Oregon, et al such as: Attempted murder, kidnappings, aggravated assault and battery, nine false arrests, nine false incarcerations, robbed of real estate properties without compensation or consideration, false confinement in the Oregon State Hospital, robbed of State-job after 12 years without compensation, harassments, larceny, and others; but, were "SWEPT UNDER THE RUG" by the decision of the Ninth Circuit Court of Appeal in violation of petitioner Rivera's constitutional rights and civil rights.

2. **Pursuant to the Fourth Amendment to the United States Constitution,** petitioner Rivera is entitled to his right to be secured in his person, house, papers, and effects; and no warrants shall issue, but upon probable cause, supported by Oath or affirmation. To the contrary the decision of the Ninth Circuit Court of Appeals knowingly and willfully concealed the fact that petitioner Rivera was unlawfully arrested in nine sepa-

rate events without a warrant or probable cause, unlawfully incarcerated in nine separate events in a solitary confinement without jurisdiction or probable cause, and was compelled to abide by the "sham" Special Conditions of Supervision as follows: App. EE, at App. 48.

3. **Pursuant to the Fifth Amendment to the United States Constitution,** petitioner Rivera is entitled to his right not to be held to answer for an infamous crime, unless on a presentment or indictment of a Grand Jury; nor be deprived of life, liberty, or property, without due process of law; nor shall his properties be taken away from him without just compensation. To the contrary, the decision of the Ninth Circuit Court of Appeals knowingly and willfully concealed the fact that petitioner Rivera was unlawfully confined in the Oregon State Hospital as an alleged "Criminally Insane Person" without jurisdiction or probable cause, and without presentment or indictment of a Grand Jury. Also, it concealed the fact that petitioner Rivera was "ROBBED" of his freedom of movement by placing him under the supervision of a Probation officer for five years without jurisdiction or probable cause; "ROBBED" of several real estate properties without his knowledge and consent, and without compensation or consideration.

4. **Pursuant to the Sixth Amendment to the United States Constitution,** petitioner Rivera is entitled to his right to speedy and public trial, by an impartial jury; to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defences. To the contrary, the decision of the Ninth Circuit Court of Appeals knowingly and willfully concealed the fact, that petitioner Rivera was "BLACKLISTED" from getting legal representation by a competent attorney; deprived of his right to speedy and public trial because, it was "SWEPT UNDER THE RUG". As a result, petitioner was deprived of his right to be informed of the nature and cause of the accusation; deprived of his right to be confronted with the witnesses against him; and deprived of a "DAY" in a competent court.

5. **Pursuant to the Eight Amendment to the United States Constitution,** excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted. To the contrary, the decision of the Ninth Circuit Court of Appeals knowingly and willfully concealed the fact that petitioner Rivera was "'ROBBED" of the numerous excessive amounts of money paid as security deposits as "BAILS". Also, petitioner was unlawfully tortured without a probable cause by breaking his upper right

arm in four places with a metal tool during his "sleep" by the Peace Officers.

6. **Pursuant to the Fourteenth Amendment to the United States Constitution**, the State of Oregon shall not deprive petitioner Rivera of life, liberty, or property, without due process of law; nor deny to petitioner the equal protection of the laws. To the contrary, the decision of the Ninth Circuit Court of Appeals knowingly and willfully concealed the fact that petitioner Rivera was a victim of an attempted "MURDER" by hanging by the Peace officers. Also, petitioner was deprived of his liberty by continuous harassments and by placing him under the supervision of a Probation officer for five years without a probable cause. Furthermore, the constitutional laws and civil rights laws were "SWEPT UNDER THE RUG" relevant to this case.

7. **Pursuant to Title 28 of the United States Code, section 1343 of the Civil Rights**, the United States District Court for Oregon, Division of Eugene, having the original jurisdiction of petitioner Rivera's verified prima facie undisputed Complaint of the numerous undisputed criminal acts and civil rights violations willfully committed by the State of Oregon, et al and docketed as Case No. 98-6256-TC on September 14, 1998, should have commenced proceedings to recover damages for injury to petitioner in his person and to his properties. Also, to recover damages for the deprivation of his rights and privileges as a citizen of the United States. To the contrary, the decision of the Ninth Circuit Court of Appeals knowingly and willfully concealed the fact that petitioner Rivera was deprived of his rights to recover damages for injury to his person and to his properties. Also, he was deprived of his rights and privileges as a citizen of the United States by "SWEEPING UNDER THE RUG" the constitutional laws and civil rights laws relevant to this case.

8. **Pursuant to Title 28 of the United States Code, section 372(c)**, petitioner Rivera is entitled to complain about Magistrate Judge Thomas M. Coffin of the United States District Court for Oregon, Division of Eugene because he knowingly and willfully "engaged in conduct prejudicial to the effective and expeditious administration of the business of the courts" by "SWEEPING UNDER THE RUG" petitioner Rivera's verified prima facie undisputed Complaint of numerous criminal acts and civil rights violations willfully committed by the State of Oregon, et al, docketed as Case No. 98-6256-TC on September 14, 1998. To the contrary, the decision of the Ninth Circuit Court of Appeals knowingly and willfully concealed the fact that petitioner is entitled to litigation as provided in Rule 10(b) of the Rules of

the judicial Council of the Ninth Circuit governing Complaints of Judicial Misconduct or Disability which provides that: App. T, at App. 27-28. Furthermore, it concealed the fact that petitioner Rivera is entitled to his right to be notified of his right to petition the JUDICIAL CONFERENCE OF THE UNITED STATES for review of the judicial Council decision.

9. **Pursuant to Title 42 of the United States Code, section 1981**, petitioner Rivera has equal rights enjoyed by white citizens to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for his security of his person and his properties. To the contrary, the decision of the Ninth Circuit Court of Appeals knowingly and willfully concealed the fact that petitioner Rivera was deprived of his equal right to enforce Employment Contract with the State of Oregon for SAIF; deprived of his equal right to sue, be party, give evidence, and to the full and equal benefit of all laws and proceedings.

10. **Pursuant to Title 42 of the United States Code, section 1982**, petitioner Rivera has equal rights enjoyed by white citizens to inherit, purchase, lease, sell, hold, and convey real and personal property. To the contrary, the decision of the Ninth Circuit Court of Appeals knowingly and willfully concealed the fact that petitioner Rivera was "ROBBED" of his inheritances as the Sole Devisee to the estate of decedent Dr. Elias J. Umali as provided in his probated Last Will and Testament issued on August 20, 1980; and "ROBBED" of his several real properties secured by Warranty Deed and Special Warranty Deeds, without compensation or consideration by the State of Oregon, et al.

11. **Pursuant to Title 42 of the United States Code, section 1983**, the State of Oregon, et al are liable to the petitioner Rivera, who, under color of any statute, ordinance, regulation, custom, or usage of the State of Oregon, for the deprivation of any rights, privileges, or immunities secured by the Constitution and Laws. To the contrary, the decision of the Ninth Circuit Court of Appeals knowingly and willfully concealed the fact that petitioner Rivera was deprived of his right to petition the Government for a redress of grievances; and the right to due process of law.

12. **Pursuant to Title 42 of the United States Code, section 1985(3)**, petitioner Rivera is entitled to action for damages against respondents who knowingly and willfully conspired with another to deprive petitioner of the equal protection of the laws or equal privileges and immunities of the laws. To the contrary, the decision of the Ninth Circuit Court of Appeals know-

ingly and willfully concealed the fact that petitioner Rivera is entitled to action for damages against the State of Oregon, et al, who knowingly and willfully conspired with another to deprive petitioner Rivera of the equal protection of the laws or privileges and immunities of the law.

13. **Pursuant to Title 42 of the United States Code, section 1986,** petitioner Rivera is entitled to action for damages against respondents, who knowingly of pending violations of section 1985(3) neglected to or refused to exercise their power to prevent or aid in preventing the violations. Also, said respondents had actual knowledge of the pending violations of section 1985 and of the violations that actually occurred.

II.

THE CHIEF JUDGE AND THE JUDICIAL COUNCIL KNOWINGLY AND WILLFULLY "ENGAGED IN CONDUCT PREJUDICIAL TO THE EFFECTIVE AND EXPEDITIOUS ADMINISTRATION OF THE BUSINESS OF THE COURTS" ON THE FOLLOWING GROUNDS:

1. The Ninth Circuit Court of Appeals' Chief Judge and the Judicial Council knowingly and willfully violated Rule 10(b) of the Rules of the Judicial Council of the Ninth Circuit governing Complaints of judicial Misconduct or Disability by "concealing" the fact that petitioner Rivera's Complaints of judicial misconduct against the Magistrate Judge Thomas M. Coffin alleges numerous undisputed criminal acts and civil rights violations willfully committed by the State of Oregon, et al against petitioner. App. D at App. 8-17. Rule 10(b) provides that, "In the event that complaint alleges criminal conduct on the part of a judge, or in the event that the committee becomes aware of possible criminal conduct, the committee will consult with the appropriate prosecuting authorities to the extent permitted by 28 U.S.C. § 372(c)(14)."

2. Petitioner Rivera's verified prima facie Complaint of Judicial Misconduct against magistrate Judge Thomas M. Coffin, who knowingly and willfully "engaged in conduct prejudicial to the effective and expeditious administration of the business of the courts" by covering up the numerous undisputed criminal acts and civil rights violations willfully committed by the State of Oregon, et al was "SWEPT UNDER THE RUG" on June 21, 1999 by the Ninth Circuit Court of Appeals' Judicial Council. Petitioner Rivera was deprived of litigation, and deprived of his right to petition the JUDICIAL CONFERENCE OF THE UNITED STATES for review.

III.

ADEQUATE RELIEF CANNOT BE OBTAINED IN ANY OTHER FORM OR FROM ANY OTHER COURT

Adequate relief cannot be obtained in any other form or from any other court because, all other courts are inferior or below the authority of the United States Court of Appeals for the Ninth Circuit.

WHEREFORE, all other courts lack subject matter jurisdiction over the United States Court of Appeals for the Ninth Circuit. The only remaining court having jurisdiction, as provided in Title 28 U.S.C. § 1651(a), to compel the Ninth Circuit of the Court of Appeals to perform their "JUDICIAL DUTY", is the United States Supreme Court or the Judicial Conference of the United States deprived from petitioner Rivera.

IV.

THE WRIT WILL BE IN AID OF THE COURT'S APPELLATE JURISDICTION

Petitioner Rivera's petition for an extraordinary writ of mandamus and/or prohibition against respondents will be in aid of the court's appellate jurisdiction because, the United States Court of Appeals for the Ninth Circuit knowingly and willfully departed from the accepted and usual course of judicial proceedings by "SWEEPING UNDER THE RUG" complaints of judicial misconduct who knowingly and willfully "engaged in conduct prejudicial to the effective and expeditious administration of the business of the courts" to conceal the fact that numerous undisputed criminal acts and civil rights violations were willfully committed by the State of Oregon, et al.

V.

CONCLUSION

The Ninth Circuit Court of Appeals' refusal to adopt and enforce Rule 10(b) and Rule 14(i) of the RULES OF THE JUDICIAL COUNCIL OF THE NINTH CIRCUIT GOVERNING COMPLAINTS OF JUDICIAL MISCONDUCT OR DISABILITY constitute both a willful abuse of judicial power and abnegation of "Judicial Duty" to defeat this Court's appellate jurisdiction, in a manner not remediable through the ordinary course of appeal. They knowing-

ly and willfully violated the provisions of the Code of Judicial Responsibility. The ruling of the Chief Judge and the Judicial Council should be corrected by this Court by granting extraordinary writ of mandamus and/or prohibition.

WHEREFORE, petitioner Rivera respectfully prays that an extraordinary writ of mandamus and/or prohibition be issued by this Court directed to respondents Chief Judge and Judicial Council of the United States Court of Appeals for the Ninth Circuit to the following:

1. Compel respondents to allow petitioner Rivera to be represented by a "competent" attorney because he is not a lawyer nor have the training in legal matters;

2. Compel respondents to allow petitioner Rivera enjoy his constitutional rights and civil rights as provided in the First, Fourth, Fifth, Sixth, Eight, and Fourteenth Amendments to the Constitution of the United States; 28 U.S.C. § 372(c); 28 U.S.C. § 1343; and 42 U.S.C. §§§§§ 1981, 1982, 1983, 1985(3), and 1986; and

3. For such other and further relief as the Court may deem proper.

Respectfully submitted,

Victorio C. Rivera

VICTORIO C. RIVERA
4926 Pullman Ave. SE
Salem, Oregon 97302
Phone: (503) 581-4649

Petitioner pro se

VERIFICATION

I, declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and that this declaration is executed on September 17, 1999 at Salem, Oregon.

Victorio C. Rivera

VICTORIO C. RIVERA

Petitioner pro se

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APPENDIX A

NOT FOR PUBLICATION
JUDICIAL COUNCIL OF THE NINTH CIRCUIT

FILED
June 21, 1999
CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

IN RE COMPLAINT OF)
) No. 99-80019
JUDICIAL MISCONDUCT)
) **ORDER**
)

Before: SCHROEDER, RYMER, T.G. NELSON AND HAWKINS, Circuit Judges, and BROOMFIELD, HOGAN, KEEP and EZRA, District Judges.

Pursuant to Chapter III of the Rules of the judicial Council Governing Complaints of Judicial Misconduct or Disability under 28 U.S.C. § 372(c), complaintant has filed a petition for review of the order of the Chief Judge entered May 5, 1999, dismissing the complaint against a magistrate judge.

We have carefully reviewed the record and the authorities cited by the Chief Judge in his order of dismissal. We find no basis for overturning the order of dismissal.

For the reasons stated by the Chief Judge and based upon the controlling authority cited in support thereof, **we affirm the dismissal order of May 5, 1999.**

APPENDIX B

JUDICIAL COUNCIL OF THE NINTH CIRCUIT

FILED
May 5, 1999
CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

In re Charge of Judicial Misconduct	) No. 99-80019) **ORDER AND**) **MEMORANDUM**

Before: HUG, Chief Judge

Two complaints of misconduct have been filed against a magistrate judge of this circuit. Administrative consideration of such complaints is governed by the Rules of the Judicial Council of the Ninth Circuit Governing Complaints of Judicial Misconduct or Disability (Misconduct Rules), issued pursuant to the Judicial Councils Reform and Judicial Conduct and Disability Act of 1980. 28 U.S.C. § 372(c).

Complainant, a pro se litigant, filed an action against state officials and other defendants alleging various constitutional violations. Complainant claims that the magistrate judge assigned to his action "engaged in conduct that does not meet the standards expected of federal judicial officers" because he did not follow proper procedure in reviewing complainant's motion for summary judgment, which complainant contends caused it to still be pending. Complainant also alleges that the magistrate judge improperly failed to respond to complaint's request for a temporary restraining order and "knowingly and willfully conspired against [complainant)" and prejudiced complainant by his "failure or refusal to sit and act" on numerous motions filed by the parties.

Complainant's allegations of delay are misplaced as delay itself is not remediable under the misconduct procedure. "[T]he complaint procedure may not be used to force a ruling on a particular motion or other matter that has been before the judge too long. A petition for mandamus can sometimes be used for that purpose." Misconduct Rule 1(f).

Complainant's claims of conspiracy and prejudice are conclusory and not supported by any facts. A complaint will be dismissed if it makes charges that are wholly unsupported. 28 U.S.C. § 372(c)(3)(A)(iii); Misconduct Rule 4(c)(3). These charges, therefore, are dismissed.

Complainant next alleges that the court's civil docket sheet for his case is a "sham" because it allegedly does not accurately reflect the nature of the cse, fails to list causes of action complainant had included in his original complaint, does not contain the correct caption, and indicates that complainant is not seeking any monetary damages when in fact he is seeking millions of dollars in damages.

Although complainant contends that these alleged inaccuracies constitute evidence that the magistrate judge has "engaged in conduct that does not meet the standards expected of Federal Judicial officers," or that he has attempted to "defraud" complainant, complainant does not indicate how. Complainant does not recite any facts to show that the magistrate judge was somehow involved in the creation of the docket sheet or the claimed omissions. These charges, therefore, are also dismissed as unsupported. 28 U.S.C. § 372(c)(3)(A)(iii); Misconduct Rule 4(c)(3).

Next complainant alleges that the magistrate judge "engaged in the 'cover-up' of the numerous criminal acts committed against the complainant" by the defendants. While complainant provides a detailed list of each of the criminal acts allegedly committed by the defendants, he does not provide any evidence to support his charge that the magistrate judge "engaged in the cover-up." As with the earlier charges, this charge is dismissed as unsupported. 28 U.S.C. § 372(c)(3)(A)(iii); Misconduct Rule 4(c)(3).

Complainant also alleges the magistrate judge "knowingly and willfully 'avoided' to act on [complainant's] motion for leave to file objections to Findings and Recommendations by 'returning' said documents without giving any reason why it was returned in violation of [the relevant local rule and federal statute.]"

This allegation relates to a decision the magistrate judge made in the underlying case. A complaint will be dismissed if it is directly related to the merits of a judge's ruling or decision in the underlying case. 28 U.S.C. § 372(c)(3)(A)(ii); Misconduct Rule 4(c)(1). If complainant wants to challenge a ruling made by the magistrate judge, correct review procedure, "not the procedures for judicial misconduct, [is] the proper remedy." In re Charge of judicial Misconduct, 685 F.2d 1226, 1227 (9th Cir. Jud. Council 1982). This charge, therefore, is dismissed. 28 U.S.C. § 372(c)(3)(A)(iii); Misconduct Rule 4(c)(3).

Finally, complainant includes in his statement of facts charges against state officials. This complaint procedure, however, applies only to federal judges. Misconduct Rules 1(d). Complaints about other officials should be make to the appropriate agency.

COMPLAINTS DISMISSED.

/s/ Procter Hug Jr.
Chief Judge

APPENDIX C

4926 Pullman Ave. SE
Salem, Oregon 97302
May 17, 1999

Clerk of Court
United States Court of Appeals
for the Ninth Circuit
P.O. BOX 193939
San Francisco, California 94119-3939

RE: "SUPPLEMENT" TO PETITION TO JUDICIAL COUNCIL FOR REVIEW, CASE NO. 99-80019

Dear Clerk:

I respectfully submit a "Supplement" to my Petition to Judicial Council for Review, Case No. 99-80019 because of my recent discovery of facts, necessary to support said petition and is filed within the time allowed of 30 days of the date of the clerk's letter to the complainant transmitting the Chief Judge's order.

Petitioner Rivera believes that the chief judge should not have dismissed my complaint on the following grounds:

1. Chief Judge knowingly and willfully failed to acknowledge the fact that petitioner Rivera was and is now "Blacklisted" from getting legal representation by a competent attorney because petitioner belongs to the Brown Race or the Asian Race, and also, is not a lawyer nor have the training in legal matters.

2. Chief Judge knowingly and willfully failed to acknowledge the fact that petitioner Rivera has filed a petition for writ of mandamus and or prohibition against the United States District Court for the District of Oregon (Eugene) in the United States Court of Appeals for the Ninth Circuit, docketed as Case No. 99-70555.

3. Chief Judge knowingly and willfully failed to acknowledge the fact that petitioner Rivera was deprived of his right to his demand for "TRIAL BY JURY" or by setting a "DATE" to Trial by jury in violation of FRCP 38(a).

4. Chief Judge knowingly and willfully failed to acknowledge the fact that petitioner Rivera's claims of conspiracy and prejudice are supported by evi-

dences described in his 42 EXHIBITS attached in support of his 270 averments to his "undisputed" prima facie complaint docketed as Case No. 98-6256-TC.

5. Chief Judge knowingly and willfully failed to acknowledge the fact that Magistrate Judge complaint about had control of his office or court and therefore, is responsible for any misconduct or unlawful substitution of the Court's Civil Docket Sheet is supported by EXHIBIT #2 attached to petitioner Rivera's Complaint of Misconduct filed on January 25, 1999.

6. Chief Judge knowingly and willfully failed to acknowledge the fact that Magistrate judge complaint about knowingly and willfully "COVER-UP" the numerous criminal acts and civil rights violations against petitioner Riverabecause he belongs to the Brown Race or Asian Race by issuing a "SHAM" Order dated April 6, 1999 containing a recital of "SHAM" pleadings and record of "SHAM" prior proceedings in violation of FRCP 54(a), which provides and quote in relevant part(s) as follows: "A judgment shall not contain a recital of pleadings, * * * , or the record of prior proceedings." (See EXHIBIT #1)

7. Chief Judge knowingly and willfully failed to acknowledge the fact that Magistrate Judge complaint about lacks subject matter jurisdiction to unlawfully issued a "SHAM" Findings and Recommendations in violation of the Federal Standards on Motion for Summary Judgment because said judge can only issue a determination as to whether or not there is a genuine issue of material fact for trial.

8. Chief Judge knowingly and willfully failed to acknowledge the fact that petitioner Rivera has filed a Petition for Extraordinary Writ of Prohibition against the Office of the United States Attorney for Oregon, and against the Portland office of the Federal Bureau of Investigation "FBI" after, they both refused to perform their "official duty" as the Nation's principal "LAW ENFORCEMENT AGENCY" to investigate and prosecute the numerous criminal acts and civil rights violations against petitioner Rivera in the United States Court of Appeals for the Ninth Circuit and docketed as Case No. 99-70331.

(Copy of Chief Judge's order and Memorandum is attached hereto as EXHIBIT #2, and incorporated herein by this reference.)

WHEREFORE, petitioner Rivera respectfully petition the Judicial Council for Review of the Chief Judge's order dismissing said complaint as

provided in 28 U.S.C. § 372(c)(10) as described above. Also, said petition for review was filed within the time allowed and in proper form under Rule 6(a).

DATED this 17th day of May.

Respectfully submitted,

/s/ VICTORIO C. RIVERA
Petitioner

I, declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and that this declaration is executed on May 17, 1999 at Salem, Oregon.

/s/ VICTORIO C. RIVERA
Petitioner

APPENDIX D

4926 Pullman Ave. SE
Salem, Oregon 97302
May 12, 1999

Clerk of Court
United States Court of Appeals
for the Ninth Circuit
P.O. BOX 193939
San Francisco, California 94119-3939

RE: COMPLAINT OF JUDICIAL MISCONDUCT NO. 99-80019

Dear Clerk:

I hereby petition the Judicial Council for Review of the Chief Judge's Order dismissing a complaint of petitioner Victorio C. Rivera as provided in 28 U.S.C. § 372(c)(10).

Petitioner Rivera believes that the Chief Judge should not have dismissed said complaint because Magistrate Judge Thomas M. Coffin knowingly and willfully engaged in conduct prejudicial to the effective and expeditious administration of the business of the court on the following grounds:

1. Magistrate Judge knowingly and willfully failed to allow petitioner from getting legal representation by a competent attorney after, he was and is now "Blacklisted" by the State of Oregon, et al because petitioner belongs to the Brown Race or the Asian Race.

2. Magistrate Judge knowingly and willfully "LIED" because he knowingly and willfully submitted "SHAM" document which he knew contains false and misleading statements' prejudicial against petitioner Rivera and to the integrity of the legal process which provides and quote in relevant part(s) as follows:

(a) "Plaintiff was given adequate notice to oppose the pre-filing review order."

(b) "When plaintiff did not respond to defendants' request for a pre-filing review order, this court ordered him to show cause in writing within 20 days why such request not be allowed."

(c) "Plaintiff was advised that a failure to respond to the order could

result in issuance of a pre-filing review order."

(d) "Plaintiff did not specifically oppose the pre-filing review order despite making filings subsequent this court's order."

ARGUMENT

(a) Petitioner/plaintiff was never given an adequate notice to oppose the pre-filing review order because, plaintiff was never served with the alleged pre-filing review order, contrary to Magistrate Judge's "SHAM" allegations

. (b) Petitioner/plaintiff was never ordered to show cause in writing within 20 days why such request not be allowed because plaintiff was never served with the alleged pre-filing review order, contrary to Magistrate Judge's "SHAM" allegations.

(c) Petitioner/plaintiff was never advised that a failure to respond to the order could result in issuance of a pre-filing review order, contrary to Magistrate Judge's "SHAM" allegations.

(d) Petitioner/plaintiff did not specifically oppose alleged pre-filing review order because plaintiff was never served with the said pre-filing review order, as alleged. (Copy of the said "SHAM" document is attached hereto as EXHIBIT #1 and incorporated herein by this reference.)

3. Magistrate Judge knowingly and willfully conspired to deprived petitioner of his rights to "TRIAL BY JURY" to knowingly and willfully issued a "SHAM" Order dated April 6, 1999 containing recital of "SHAM" pleadings and record of "SHAM" prior proceedings in violation of FRCP 54(a), as a "COVER-UP" of his failure to set up a "DATE" for Trial by Jury as demanded by petitioner because, he belongs to the Brown Race or the Asian Race. (See EXHIBIT #1)

4. Magistrate Judge knowingly and willfully engaged in conduct involving dishonesty, fraud, deceit, and misrepresentation that seriously adversely reflected on the magistrate judge's fitness to perform his "Judicial Duty" because, said judge knowingly and willfully issued a "SHAM" order dated April 6, 1999 containing recital of "SHAM" pleadings and record of "SHAM" prior proceedings in violation of FRCP 54 (a), as a "COVER-UP" of the following criminal acts and civil rights violations such as:

(a) Attempted "MURDER" by hanging;

(b) Two (2) attempted "KIDNAPPINGS";

(c) "AGGRAVATED ASSAULT AND BATTERY" by breaking petitioner's right upper arm in four (4) places with a metal tool during his "sleep";

(d) Nine (9) "FALSE ARRESTS" without jurisdiction or probable cause;

(e) Nine (9) FALSE INCARCERATIONS" without jurisdiction or probable cause;

(f) "FALSE BAILS" without jurisdiction or probable cause;

(g) "FALSE CONFINEMENT" in the Oregon State Hospital without jurisdiction or probable cause;

(h) "ROBBED" of real estate property located at 4905 Pullman Ave. SE, Salem, Marion County, Oregon secured by Warranty Deed No. 35126;

(i) "ROBBED" of real estate property located at 3925 Sunset Hills Drive, Sunset Hills Estates, Turner, Marion County, Oregon secured by Special Warranty Deed No. 21752, as Parcel #1 of Minor Partition NO. 14-91;

(j) "ROBBED" of real estate property located at 3995 Sunset Hills Drive, Sunset Hills Estates, Turner, Marion County, Oregon secured by Special Warranty Deed No. 21752, as Parcel #2 of Minor Partition No. 14-91;

(k) "ROBBED" of real estate property located at 3955 Sunset Hills Drive, Sunset Hills Estates, Turner, Marion County, Oregon secured by Special Warranty Deed No. 21752, as Parcel #3 of Minor partition No. 14-91;

(l) "ROBBED" of Inheritances as the SOLE DEVISEE to the estate of decedent Dr. Elias J. Umali as provided in his "Probated" LAST WILL AND TESTAMENT;

(m) "ROBBED" of numerous false bails paid in "CASH" in the amount of about $22,000.;

(n) "ROBBED" of State-job after 12 YEARS of excellent work performance reports by unlawfully discharged without compensation;

(o) "HARASSMENTS" by preventing plaintiff and his family from entering his property for nine (9) YEARS by placing a personalized padlock "BELL SYSTEM" on his gate;

(p) "OBSTRUCTION OF JUSTICE" to cover up numerous criminal acts and civil rights violations;

(q) "FORGERY" of several public documents;

(r) "CONSPIRACY" to destroy him in his person;

(s) "CONSPIRACY" to robbed him of his properties;

(t) "FORCIBLE ENTRY" and "UNLAWFUL DETAINER" of his real estate properties;

(u) "LARCENY" by taking his money from the Banks; and

(v) Obtaining his properties by "FALSE PRETENSES".
(See EXHIBIT #1)

WHEREFORE, petitioner Rivera respectfully petition the Judicial Council for Review of the Chief Judge's Order dismissing said complaint as provided in 28 U.S.C. § 372(c)(10) as described above. Also, said petition for review was filed within the time allowed and in proper form under Rule 6(a).

DATED this 12th day of May.

Respectfully submitted,

/s/ VICTORIO C. RIVERA
Petitioner

I, declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and that this declaration is executed on May 12, 1999 at Salem, Oregon.

/s/ VICTORIO C. RIVERA
Petitioner

CERTIFIED MAIL
No. Z 323 354 916

Filed
April 6,1999

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

VICTORIO C. RIVERA,	)	
Plaintiff,	)	Civil No. 98-6256-TC
v.	)	ORDER CONTAINING
STATE OF OREGON, et al,	)	PRE-FILING
Defendants	)	REVIEW ORDER
	)	
	)	

COFFIN, Magistrate Judge:

Plaintiff filed a 102 page complaint in the present action and named 22 defendants. All of the claims of the complaint have been dismissed, many for frivolousness, claim preclusion, failure to state a claim, immunities and statutes of limitation.

Presently before the court are the State Defendants' motion (#152) for sanctions, defendants Nordyke and Stringers' motion (#100) for sanctions and defendants Tesch, Wilsons and Whismans' motion (contained in #59) for sanctions. Each motion contains a request for monetary sanctions pursuant to Fed. R. Civ. P. 11 and a request for a pre-filing review order.

BACKGROUND

Pro se plaintiff has filed numerous actions in state and federal courts related to real property he used to own. He has lost all of them, yet continues to file complaints, often suing the same defendants who have previously prevailed.[1] He has been enjoined from filing further related actions in state court and assessed costs and attorney fees because his actions were frivolous and were filed in violation of ORCP 17 (the state equivalent of Fed. R. Civ. P. 11). In dismissing one of plaintiff's actions, Federal District Judge Hogan stated, "It is apparent that plaintiff cannot or will not file a cognizable claim.." Rivera v. Roberts, 93-6109-HO. In dismissing another, this court stated:

---

[1]Plaintiff has sued the Stringers and or Nordyke in 14 actions.

> Also weighing in favor of dismissal is the fact that defendants have been prejudiced by plaintiff's behavior. They have been subject to a seemingly endless stream of motions and filings have incurred large expense in managing and responding to the same, have had to wait through a frivolous appeal to the Ninth Circuit, and have had to wait fruitlessly while plaintiff was given numerous opportunities to respond to their dispositive motions ... [There] comes a time at which the needs of defendants and the public must be considered and the court must act upon its duty to ensure that limited judicial resources are not needlessly squandered on a person given ample opportunity to litigate while other litigants wait their turn to have grievances addressed by this court. Such a time has certainly come in this action. Accordingly, this action should be dismissed with prejudice.

Rivera v. Key Title & Escrow Company , 94-6259-TC.

In dismissing such action, this court assessed Rule 11 monetary sanctions against plaintiff and in favor of defendants Nordyke and the Stringers. In dismissing yet another action, this court assessed Rule monetary sanctions against plaintiff and in favor of defendants Nordyke and the Stringers and stated, with emphasis in the original, the following:

> Defendants' request for an injunction enjoining plaintiff from filing future actions against them should be denied at this time. Should plaintiff file another action on the same subject matter, defendants Nordyke and the Stringers may file a simple dispositive motion and refile virtually the same document used for their current motions for sanctions. They will then be entitled to attorney fees and the injunction they seek.

PLAINTIFF IS PUT ON NOTICE THAT FILING A SIMILAR CASE IN THE FUTURE SHALL RESULT IN THE ASSESSMENT OF SERIOUS SANCTIONS AGAINST HIM INCLUDING RESPONSIBILITY FOR THE PAYMENT OF DEFENDANTS' ATTORNEY FEES AND AN INJUNCTION ENJOINING HIM FROM FILING SIMILAR SUITS IN THE FUTURE..

Rivera v. Key Title and Escrow Company, 95-920-TC, p. 3 of Findings & Recommendation (#31) . The action presently before the court is similar to the action containing the above warning.

DISCUSSION

Motions for Pre-filing-Review order

Defendants request a pre-filing review order. Such request is allowed as a pre-filing review order is appropriate in the circumstances of this case.

The four requirements for a pre-filing review order set forth in O'Loughlin v. Doe, 920 F.d. 614, 617 (9th Cir. 1990) and De Long v. Hennessey, 912 F.d. 1144, 1147-49 (9th Cir. 1990) have been met. First, plaintiff was given adequate notice to oppose the pre-filing review order When plaintiff did not respond to defendants' request for a pre-filing review order, this court ordered him to show cause in writing within 20 days why such request should not be allowed. Plaintiff was advised that a failure to respond to the order could result in issuance of a pre-filing review order.

P. 14 of Order (#173), dated February 19, 1999. The Clerk of the Court was also directed to send plaintiff a copy of the applicable motions, although they were originally accompanied with certificates of service. Id. Plaintiff did not specifically oppose the pre-filing review order despite making filings subsequent this court's order.

Second, there is an adequate record for review, i.e., a listing of the case filings that support the order. Such listing follows:

Rivera v. State of Oregon; USDC Case No.98-6256

Rivera v. State of Oregon; USDC Case No.97-6073

Rivera v. IRS; USDC Case No. 96-1

Rivera v. Seventh-Day Adventist; USDC Case No. 95-1121

Rivera v. Key Title & Escrow; USDC Case No. 95-920

Rivera v. KXL-FM; USDC Case No. 95-621

Rivera v. Milbank; USDC Case No. 94-6430

Rivera v. Roberts; USDC Case No. 94-6299

Rivera v. Key Title Company; USDC Case No. 94-6259

Rivera v. Roberts; USDC Case No. 93-6109

Rivera v. Roberts; USDC Case No.' 91-1100

Rivera v. First Security Bank; Marion Co. Circuit Court No. 93C-1065-2

Rivera v. Nordyke; Marion Co. Circuit Court No. 93C-10203

Rivera v. Judge Mosgrove; Marion Co. Circuit Court No. 93C-10120

Rivera v. Sampang; Marion Co. Circuit Court No. 92C-11465

Rivera v. Stringer; Marion Co. Circuit Court No. 91C-11241

Rivera v. Stringer; Marion Co. District Court No. L92-S-0157

Rivera v. Stringer; Marion Co. District Court No. 91D201218

Rivera v. Stringer; Marion Co. Circuit Court No. 91C-10947

Rivera v. Stringer; Marion Co. District Court No. 90D400583

Rivera v. Stringer; Marion Co. District Court No. 9OD400233

Rivera v. Stringer; Marion Co. District Court No. 89D401198

Third, the requirement of the court making substantive findings as to the frivolousness or harassing nature of plaintiff's filings is met. The "Background" section of this opinion and the Order (#73) dismissing plaintiff's claims in this action indicate the frivolousness of plaintiff's numerous filings, as well as the fact plaintiff's filings have never met success and have been denied at early stages in the proceedings based on multiple grounds. Moreover, plaintiff's persistent and unsuccessful pursuit of additional actions based on the same facts and against the same defendants despite the state and federal courts, denials, and even sanctions, indicates the harassing nature of plaintiff's filings.

Fourth, the order is narrowly tailored to remedy only plaintiff's particular abuses. The scope of the order set forth below demonstrates this.

PRE-FILING REVIEW ORDER

1. This Pre-Filing Review Order will apply to all actions filed by Victorio Rivera in federal court in the District of Oregon, it does not apply to actions filed in other courts. Should Victorio Rivera fail to comply with any of the provisions of this Pre-Filing Review Order, the Clerk of Court will not file Rivera's documents and they will be returned to him, with information as to the deficiencies and an allowance of fourteen days to correct such deficiencies. Should documents be mistakenly filed in contraven-

tion of this Order, the court will strike the documents or take any other measures that are appropriate.

2. Any complaint filed shall include the following in its caption: "Subject to a Pre-Filing Order". Rivera shall request that all of his future filings be handled by the Civil Supervisor.

3. Each of Rivera's future complaints should be accompanied by a copy of this Order and contain a statement that Rivera has not previously brought an action against the same defendants alleging the same operative allegations of fact.

4. The Clerk of Court will not file a future complaint from Rivera absent direction from the court. If the court determines that the complaint is in compliance with this Pre-Filing Review Order, the Clerk will be directed to file the complaint.

IT IS SO ORDERED.

MOTIONS FOR SANCTIONS

Defendants Nordyke and the Stringers, motion for Rule 11 sanctions are allowed for the independent reasons of the long quotation set forth in the "Background" section of this opinion, the fact that plaintiff's claims against these defendants were presented for the improper purpose to harass them, the fact that plaintiff's factual allegations against them did riot have evidentiary support, and the fact that plaintiff's claims were frivolous. Defendants' Nordyke and the Stringers are awarded their reasonable attorney fees and expenses and shall file a figure and supporting documentation regarding their reasonable fees and expenses within 11 days. Plaintiff shall have 11 days thereafter to respond to the reasonableness of such fees and is warned that a failure to do so may result in the award of the amount of fees and expenses submitted. Due to past experience with plaintiff, no show cause orders will be issued on this matter and any objections filed will not toll his 11 day period to respond to the defendants, submission.

The other defendants' motions for monetary sanctions are denied in light of the fact that plaintiff will be subject to a pre-filing review order that should deter plaintiff from making improper filings and protect these defendants, to the extent possible, from improper filings.[2]

[2] The motions also fail due to procedural deficiencies

CONCLUSION

Defendants Nordyke and Stringers' motion (contained in #100) for monetary sanctions is allowed to the extent they are entitled to the reasonable attorney fees and expenses they incurred in this action. They shall have 11 days to submit documentation of such and plaintiff shall have 11 days thereafter to address the reasonableness of defendants' submission. The defendants Tesch, Wilsons and Whismans' motion (contained in #59) for monetary sanctions and the State Defendants, motion (contained in #152) for monetary sanctions are denied. All of these defendants, motions (contained in #100, #59 and #152) for a pre-filing review order are allowed with such order set forth above.

DATED this day of April, 1999.

/s/ THOMAS M. COFFIN
United States Magistrate Judge

APPENDIX E

SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, DC 20543-0001

WILLIAM K. SUTER
Clerk of the Court

AREA CODE 202
479-3011

July 29, 1999

VICTORIO C. RIVERA
4926 Pullman Avenue, S.E.
Salem, OR 97302

RE: IN RE: VICTOR RIVERA

Dear Mr. Rivera:

The above-entitled petition for an extraordinary writ of mandamus/prohibition was received on July 20, 1999. The papers are returned for the following reason(s):

If you intend to pay the $300 docket fee, the petition and appendix must be on paper that is 6 1/8 by 9 1/4 inches as stated in Rule 33.1.

Rule 33.1(c) prohibits the use of spiral, plastic, metal or string bindings. Stapples may be used, at least two, along the left margin covered with tape.

The term must be removed from the cover of the petition.

The orders and opinions must appear in the appendix to the petition, not in the text of the petition.

The petition must contain a statement of the case and reasons for granting the petition. Rules 14.1(g) and (h).

You must submit 40 copies of a petition when paying the docket fee. Rule 33.1(f).

The text of the petition and appendix must be typeset in Roman 11-point or larger type with 2-point or more leading between lines. Rule 33.1(b).

The petition does not show how the writ will be in aid of the Court's appellate jurisdiction, what exceptional circumstances warrant the exercise of the Court's discretionary powers, and why adequate relief cannot be obtained in any other form or from any other court. Rule 20.1.

Kindly redo the petition and appendix so that it complies in all respects with the Rules of the Court and return it to this office promptly so that it may be docketed.

This office shall retain one copy of the petition and your check in the amount of $300.00 in expectation of receipt of a properly prepared petition.

Enclosed is a copy of the Rules of the Court and a memorandum concerning the preparation of a petition.

Sincerely,
William K. Suter, Clerk
By:

Ruth Jones
(202) 479-3022

APPENDIX F

FIRST AMENDMENT TO THE UNITED STATES CONSTITUTION:

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assembly and to petition the Government for a redress of grievances."

APPENDIX G

FOURTH AMENDMENT TO THE UNITED STATES CONSTITUTION:

"The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

APPENDIX H

FIFTH AMENDMENT TO THE UNITED STATES CONSTITUTION:

"No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation."

APPENDIX I

SIXTH AMENDMENT TO THE UNITED STATES CONSTITUTION:

"In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defence."

APPENDIX J

EIGHTH AMENDMENT TO THE UNITED STATES CONSTITUTION:

"Bail, fines and punishments. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted. (Proposed by Congress in 1789 and ratified by the necessary number of states in 1791]"

APPENDIX K

FOURTEENTH AMENDMENT TO THE UNITED STATES CONSTITUTION:

"Section 1. Citizenship; privileges and immunities; due process; equal protection. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

APPENDIX L

28 U.S.C. § 372(c):

Provides a way for any person to complain about a federal judge who the person believes "has engaged in conduct prejudicial to the effective and expeditious administration of the business of the courts" or "is unable to discharge all the duties of office by reason of mental or physical disability." It also permits the judicial councils of the circuits to adopt rules for the consideration of these complaints. These rules have been adopted under that authority.

APPENDIX M

28 U.S.C. § 1343 CIVIL RIGHTS:

"(a) The district courts shall have original jurisdiction of any civil action authorized by law to be commenced by any person:

(1) To recover damages for injury to his person or property, or because of the deprivation of any right or privilege of a citizen of the United States, by any act done in furtherance of any conspiracy mentioned in section 1985 of Title 42;

(2) To recover damages from any person who fails to prevent or to aid in preventing any wrongs mentioned in section 1985 of Title 42 which he had knowledge were about to occur and power to prevent;

(3) To redress the deprivation, under color of any State law, Statute, ordinance, regulation, custom or usage, of any right, privilege or immunity secured by the Constitution of the United States or by any Act of Congress providing for equal rights of citizens or of all persons within the jurisdiction of the United States;

(4) To recover damages or to secure equitable or other relief under any Act of Congress providing for the protection of civil rights, including the right to vote."

APPENDIX N

42 U.S.C. § 1981 (1976):

"All persons within the jurisdiction of the United States shall have the same right in every State and Territory to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens, and subject to like punishment, pains, penalties, taxes, licenses, and exactions of every kind, and to no other."

APPENDIX O

42 U.S.C. § 1982 (1976):

"All citizens of the United States shall have the same right, in every State and Territory, as is enjoyed by white citizens thereof to inherit, purchase, lease, sell, hold, and convey real and personal property."

APPENDIX P

42 U.S.C. § 1983 (SUPP 111 1979):

"Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and Laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress."

APPENDIX Q

42 U.S.C. § 1985(3):

"Action for damages against any person who conspires with another to deprive any other person or class of persons of the equal protection of the laws or equal privileges and immunities of the laws. Griffin v. Breckenridge, 403 US 88, 103, 91 S Ct 1790, 29 L Ed 2d 338 (1971) ."

APPENDIX R

42 U.S.C. § 1986:

Provides an action for damages against persons who know of pending violations of § 1985 and who neglect to or refuse to exercise their power to prevent or aid in preventing the violations. The defendant must have actual knowledge of the pending violations of § 1985 and the violations must actually occur. Hampton v. City of Chicago, Cook County, Illinois, 484 F2d 602, 610 (7th Cir 1973), cert. denied, 415 US 917 (1974).

APPENDIX S

CODE OF JUDICIAL RESPONSIBILITY

Canon 1 provides that:

"A judge should uphold the integrity and independence of a judiciary."

Canon 2 provides that:

"A judge should avoid impropriety and the appearance of impropriety in all his activities."

Canon 3 provides that:

"A judge should perform the duties of his office impartially and diligently."

A. Adjudicative Responsibilities:

(1) A judge should be faithful to the law and maintain professional competence in it. He should be unswayed by partisan interests, public clamor, or fear of criticism.

(2) A judge should maintain order and decorum in proceedings before him.

(3) A judge should be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, and others with whom he deals in his official capacity, and should require similar conduct of lawyers, and of his staff, court officials, and others subject to his direction and control.

(4) A judge should accord to every person who is legally interested in a proceeding, or his lawyer, full right to be heard according to law, and, except as authorized by law, neither initiate nor consider ex parte or other communications concerning a pending or impending proceeding. A judge, however, may obtain the advice of a disinterested expert on the law applicable to a proceeding before him if he gives notice to the parties of the person consulted and the substance of the advice, and affords the parties reasonable opportunity to respond.

B. Administrative Responsibilities:

(1) A judge should diligently discharge his administrative responsibilities, maintain professional competence in judicial administration, and facilitate the performance of the administrative responsibilities of other judges and court officials.

(2) A judge should require his staff and court officials subject to his direction and control to observe the standards of fidelity and diligence that apply to him.

(3) A judge should take or initiate appropriate disciplinary measures against a judge or lawyer for unprofessional conduct of which the judge may become aware.

(4) A judge should not make unnecessary appointments. He should exercise his power of appointment only on the basis of merit, avoiding nepotism and favoritism. He should not approve compensation of appointees beyond the fair value of services rendered.

C. Disqualification:

(1) A judge shall disqualify himself in a proceeding in which his impartiality might reasonably be questioned, including but not limited to instances where:

(a) he has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceedings;

(b) he served as lawyer in the matter in controversy, or a lawyer with whom he previously practiced law served during such association as a lawyer concerning the matter, or the judge or such lawyer has been a material witness concerning it;

(c) he knows that he, individually or as a fiduciary, or his spouse or minor child residing in his household, has a financial interest in the subject matter in controversy or in a party to the proceeding, or any other interest that could be substantially affected by the outcome of the proceeding;

(d) he or his spouse, or a person within the third degree of relationship to either of them, or the spouse of such a person:

(i) is a party to the proceeding, or an officer, director, or trustee of a party;

(ii) is acting as a lawyer in the proceeding.

APPENDIX T

RULES OF THE JUDICIAL COUNCIL OF THE NINTH CIRCUIT GOVERNING COMPLAINTS OF JUDICIAL MISCONDUCT OR DISABILITY

RULE 1. WHEN TO USE THE COMPLAINT PROCEDURE

(a) **Purpose of the procedure**. The purpose of the complaint procedure is to improve the administration of justice in the federal courts by taking action when judges engage in conduct that does not meet the standards expected of federal judicial officers or when judges are physically or mentally unable to perform their duties. The law's purpose is essentially forward-looking and not punitive. The emphasis is on correction of conditions that interfere with the proper administration of justice in the courts.

(b) **Who may complain.** The law allows "any person" to file a complaint. "Any person" includes an association, such as a bar association, so-long as the name of a contact person is provided with the complaint.

(c) **What may be complained about.** The law authorizes complaints about judges who have "engaged in conduct prejudicial to the effective and expeditious administration of the business of the courts" or who are "unable to discharge all the duties of office by reason of mental or physical disability."

RULE 10. CONDUCT OF AN INVESTIGATION

(a) **Extent and methods to be determined by committee.** Each special committee will determine the extent of the investigation and the methods of conducting it that are appropriate in the light of the allegations of the complaint. If, in the course of the investigation, the committee develops reason to believe that the judge may have engaged in misconduct that is beyond the scope of the complaint, the committee may, with written notice to the judge, expand the scope of the investigation to encompass such misconduct.

(b) **Criminal matters. In the event that the complaint alleges criminal conduct on the part of a judge, or in the event that the committee becomes aware of possible criminal conduct, the committee will consult with the appropriate prosecuting authorities to the extent permitted by 28 U.S.C. § 372(c)(14)** in an effort to avoid compromising any criminal investigation. However, the committee will make its own determination about the timing of its activities, having in mind the importance of ensuring the proper administration of the business of the courts.

RULE 14. ACTION BY JUDICIAL COUNCIL

Rule 14(i) requires that council action normally be supported with a memorandum of factual determinations and reasons and that notice of the action be given to the complainant and the judge complained about. The two "interests of justice" exceptions are derived from 28 U.S.C. §§ 372(c)(7)(C) and (c)(15).

Rule 14(i) requires that the notification to the complainant and the judge complained about include notice of any right to petition the Judicial Conference of the United States for review of the council's decision.

RULE 17. PUBLIC AVAILABILITY OF DECISIONS

(a) **General rule.** A docket-sheet record of orders of the chief judge and the judicial council and the texts of any memoranda supporting such orders and any dissenting opinions or separate statements by members of the judicial council will be made public when final action on the complaint has been taken and is no longer subject to review.

(d) **Special rule for decisions of judicial council.** When the judicial council has taken final action on the basis of a report of a special committee, and no petition for review has been filed with the Judicial Conference within thirty days of the council's action, the materials referred to in paragraph (a) will be made public in accordance with this rule as if there were no further right of review.

APPENDIX U

STATE OF OREGON
EMPLOYMENT DIVISION
DEPARTMENT OF HUMAN RESOURCES

AMENDED: The decision amends and supercedes the Administrator's Decision issued December 27, 1977.

Victorio C. Rivera
4926 Pullman Ave. SE
Salem, Oregon 97302

Claimant

Social Security
Account Number 378 44 0508

Employment office Number 210
Claim Expires 46 8
(Week) (Year)

ADMINISTRATIVE DECISION
of the Assistant Director for Employment

In accordance with ORS 657.176 (See attached supplement for text of the Law) and after an investigation which included opportunity for the claimant and employer to present facts and information, this DECISION is given to all parties entitled thereto.

FINDINGS OF FACT:

1. You were employed by State Accident Insurance Fund from 1965 through November 21, 1977.

2. Your employer reports you were "dismissed for cause; insubordination, inefficiency, incompetence, and other unfitness to render effective service."

3. You contend the 30 allegations made by your employer in regards to your efficiency, competence, fitness, are not based on facts, but were made to get rid of you when you made a report to the Bureau of Labor on the Safety and Health Hazards in connection with your work.

4. You have submitted evidence refuting the 30 charges made against you.

CONCLUSION AND REASONS: You were discharged but not for misconduct in connection with your work. The information on hand does not clearly show that your actions were a willful disregard of directives issued by the employer. Consideration given to your length of service, merit ratings before and after your considered to be poor judgement which is not misconduct.

XX BENEFITS ARE ALLOWED, if otherwise eligible.

BENEFITS ARE DENIED for a period commencing with the week begins (Date)

THE CONDITIONS FOR SATISFYING A DISQUALIFICATION ARE SET FORTH ON THE REVERSE OF THIS FORM.

Date Mailed: December 30, 1977 Any appeal from this decision must be filed on or before January 18, 1978 to be timely.

IMPORTANT: See reverse for Interested Employer appeal rights and address of issuing office.

By /s/ D. Monnier

(Authorized Representative)

State Accident Insurance Fund
400 SE High
SAIF Bldg.
Salem, Oregon 97312

FORM 106E (8-77) Front

State of Oregon
EMPLOYMENT DIVISION
Department of Human Resources
Appeals Section
875 Union Street NE
Salem, OR 97311

Mailed: February 10, 1978
Final: February 21, 1978

Case No.: 78-S-127-NP
SSA No: 376 44 0508

REFEREE DECISION
In The Matter of

Claimant
VICTORIO C. RIVERA
4926 Pullman Avenue S.E.
Salem, OR 97302

Employer
STATE ACCIDENT INSURANCE FUND
SAIF Building
Salem, OR 97312

After affording interested parties an opportunity to present pertinent information, the authorized representative served an Administrators Decision December 30, 1977, **allowing claimant benefits under ORS 657.176.**

Employer (appellant) filed a request for hearing on January 3, 1978.

The above entitled matter now comes on for a decision by an appeals referee based upon the request of the appellant to withdraw appellant's earlier request for hearing.

ISSUE AND LAW: The issue is whether the referee should grant the request to withdraw the request for hearing.

Based upon the record, the referee enters his
FINDINGS OF FACT: On February 9, 1978, the appellant filed with the Division a request to withdraw the request for hearing filed on the above-stated date.

CONCLUSION: The appellant's request to withdraw the request for hearing is granted.

DECISION: The request for hearing filed by the appellant on January 3, 1978 is dismissed in accord with the request. The Administrators Decision served December 30, 1977 remains in effect.

/s/ C. Woods
Appeals Referee

Form 412 (1-77)

APPENDIX V

4926 Pullman Ave. SE
Salem, Oregon 97302
March 30, 1998

HAND-DELIVERED

Office of the Director
Oregon Department of
Administrative Services
155 Cottage NE
Salem, Oregon 97310

RECEIVED
Mar 30 1998
DAS Director

Re: NOTICE OF CLAIM, ORS 30.275

Dear Sir or Madam:

I, the undersigned, claimant Victorio C. Rivera respectfully gives NOTICE OF CLAIM against the State of Oregon and against Marion County in compliance with ORS 30.275.

This notice is given within 180 days after my loss and injury because of a "continuing tort". It is timely given during the time the tortious behaviour continuous or within 180 days after its conclusion.

I was arrested in numerous times without a warrant and without jurisdiction. I was thrown in jail in numerous times without a probable cause and without an accusatory instrument. The State of Oregon and Marion County knowingly and willfully "conspired" and "Broke" my right arm in four (4) places with a "metal tool" without a probable cause while I was unlawfully confined in jail. Also, I was "tortured" and attempted to "Murder" me while I was unlawfully confined in the maximum security jail of the Marion County Corrections Facility of the State of Oregon.

I am not a lawyer nor have the training in legal matters but, I am forced to represent myself "pro se" in this action after I was "Blacklisted" from getting legal representation as a "cover-up" of the numerous criminal acts committed against me.

The State of Oregon and Marion County, together with their conspira-

tors, knowingly and willfully "ROBBED" me of my real property located at 4905 Pullman Ave. SE, Salem, Marion County, Oregon covered by my "Warranty Deed". Also, they "ROBBED" me of my three (3) parcels of real properties subdivided from my Minor Partition No. 91-14 of SUNSET HILLS ESTATES located at Sunset Hills Drive, Marion County, Oregon, covered by my "Special Warranty Deed".

As a result of the numerous unlawful arrests against me without a warrant, I was compelled to post several Security Deposits each time to get me out of jail in the total amount of $16,5000 plus interest paid to the bailer and still being withheld by the Marion County or the State of Oregon.

Claimant was never arraigned on the "merit" of his numerous arrests without a warrant because, the alleged accusatory instrumentments or informations were "SHAM" and wrongfully filed in the Marion County Circuit Court instead of filing them in the Marion County District Court for arraignment to determine if there was a probable cause to be tried in the Circuit Court as in Case No. 92C-11465 and Case No. 94C-10861.

The termination of Information was in claimant's favor for lack of jurisdiction and without a probable cause. As a "coverup", the State used force and tortured plaintiff who is 72 years old, 5' 2" tall and 115 lbs. weight to scare him from pursuing the recovery of his real properties.

I demand the return of all my real properties wrongfully and maliciously taken away from me without my knowledge and consent and without compensation. I further demand damages as a result of my numerous arrests without a warrant and without jurisdiction, maliciously tortured while confined unlawfully in jail, maliciously confined in the Oregon State Hospital as an alleged "Criminally Insane Person" and deliberately caused claimant to suffer two (2) seizures by denying him of his "Medications" for his high blood pressure and for his nerves for several days; damages for the pains and sufferings of his broken right arm in four places with a metal tool; loss of income from my real properties; suffered great humiliation, physical discomfort, mental anguish incidents to claimer's numerous arrests, extreme emotional distress, damaged claimer's reputation and standing in the community, and damaged claimer's family and social life to be determine by the Jury and the Court.

Termination of prior proceeding was in claimer's favor because of refusal of prosecuting attorney to prosecute the "SHAM" Information charging claimer of failure to appear in Case No. 97D102392 scheduled

for "TRIAL BY JURY" on December 08, 1997 at 9:00 AM before Judge Don A. Dickey.

This Notice takes the place of the prior notice mistakenly addressed to Hardy Myers, Attorney General dated 3/26/98.

Please forward all correspondence to the undersigned claimant.

Respectfully yours,

/s/Victorio C. Rivera
4926 Pullman Ave. SE
Salem, Oregon 97302
(503) 581-4649

APPENDIX W

OREGON
John A Kitzhaber, M.D., Governor

Department of Administrative Services
Risk Management Division
155 Cottage Street NE
Salem, OR 97310-0319
(503) 373-7475
FAX (503) 373-7373

April 14, 1998

VICTORIO RIVERA
4926 PULLMAN AVENUE SE
SALEM OR 97302

Re: Claimant: Victorio Rivera
Claim Number: L 74376
Date of Loss: March 1, 1998

DENIAL

We have completed our investigation. This is the same matter that was in suit which was handled by the Department of Justice attorney, Steve Bushong. Mr. Bushong has informed me that that case has been dismissed and no further suits were to be filed by you without court permission. This matter has been decided in a court of law and is not to be reinvestigated or relitigated.

We do not find liability on the part of the State of Oregon, the courts, its officers, agents, or employees. Therefore, we must deny your claim.

/s/ Lori H. Lindley
Senior Claims Consultant
Phone: 378-5467
Fax: 373-7337

APPENDIX X

JOHN A. KITZHABER, M.D.
Governor

May 13, 1998

Mr. Victorio C. Rivera
4926 Pullman Ave. SE
Salem, Oregon 97302

Dear Mr. Rivera:

Thank you for writing to Governor Kitzhaber's office expressing about your right to own or use a typewriter. The Governor asked me to respond on his behalf.

This is a court order by Judge Don A. Dickey and the Governor can not and will not intervene. Please find a copy of a letter from Judge Dickey to your probation officer, Ms. Mary Tegner for your review.

Thank you again for writing.

Sincerely,

s/ Sheila Reed,
Governor's Advocate for Public Safety
9561

STATE CAPITOL, SALEM 97310-0370
(503) 378-3111 FAX (503) 378-4863

TO Victorio Rivera
SUBJECT Request for Typewriter

MESSAGE

Attached is the letter from Judge Dickey regarding your request for a typewriter. Please honor his directive. Your request for a typewriter is DENIED.

SIGNED /s/Mary K. Legner

APPENDIX Y

seal of the State of Oregon 1859

CIRCUIT COURT OF OREGON
THIRD JUDICIAL DISTRICT
MARION COUNTY COURTHOUSE
P.O. BOX 12869
SALEM,OREGON 97309-0869

Don A. Dickey
Circuit Court Judge
(503) 373-4360

May 5, 1998

Mary Tegner
Marion County Department of Corrections
4040 Aumsville Hwy
Salem, Or 9701

Re: State of Oregon vs. Victorio C. Rivera
Marion County Case No. 94C-10861; 92C-11465; 97D-102392

Dear Ms. Tegner:

I reply to your request for direction on Mr. Victorio Rivera's request for use of a typewriter. This issue was addressed once before on Mr. Victorio Rivera's motion in the form of a letter dated November 28, 1997.

On December 4, 1997 I signed an order denying Mr. Victorio Rivera's request to use or own a typewriter, but I indicated that the Court would reconsider his request upon application after one year from the Judgment on or after October 17, 1998, if Mr. Victorio Rivera is current on all obligations and is in compliance with all the terms and conditions of probation.

Please inform Mr. Victorio Rivera that his request is again denied.

Very Truly Yours,

/s/ Don A. Dickey
Circuit Court Judge

APPENDIX Z

IN THE CIRCUIT COURT OF THE STATE
OF OREGON FOR THE COUNTY OF MARION PROBATE
DEPARTMENT

Estate of:	)	**No. 85-9485**
ELIAS J. UMALI	)	**ORDER ADMITTING WILL TO**
Deceased	)	**PROBATE AND APPOINTING**
.	)	**PERSONAL REPRESENTATIVE**
	)	

The petition of VICTORIO C. RIVERA for the admission of decedent's will to probate and for the appointment of a personal representative in the above entitled estate now coming on to be heard and it appearing that this court has jurisdiction herein; that the above named decedent died on February 1, 1984, at Los Angeles, Cal. at the age of 62 years, leaving a will dated August 20, 1980; that on said date the decedent was of the age of 58 years, of sound mind and memory and not acting under the fraud, duress or undue influence of any person whomsoever; that said will, duly proved herein, was in all respects properly executed and is the true last will and testament of the decedent; and it further appearing that said petition sets forth the information required by law in such matters; that in said will the decedent nominated VICTORIO C. RIVERA is appointed as the executor of said will and personal representative of said estate to serve without bond and that Letters Testamentary be issued forthwith.

DATED: July 24, 1985 /s/ Richard D. Barber

Judge

NAMES, ADDRESSES AND PHONE NUMBERS:

Personal Representative

VICTORIO C. RIVERA
4926 Pullman Ave. SE
Salem, Oregon 97302
(In propria persona)
Phone: (503) 581-4649

APPENDIX AA

IN THE CIRCUIT COURT FOR THE STATE OF OREGON FOR THE COUNTY OF MARION IN PROBATE

LETTERS TESTAMENTARY
No. 85-9485

THIS CERTIFIES that the will of ELIAS J. UMALI deceased, has been proved and **VICTORIO C. RIVERA** has been appointed and is at the date hereof the duly appointed, and qualified and acting Personal Representative of the estate of the decedent.

IN WITNESS WHEREOF, I, as Trial Court Administrator of the Circuit Court of the State of Oregon for the County of Marion, in which proceedings for the administration upon the estate are pending, do hereby subscribe my name and affix the seal of the court this 24th day of July 1985.

TRIAL COURT ADMINISTRATOR
By s/ Phyllis Zawel

(Seal)

ORS 113.125
STATE OF OREGON)
) ss.
County of Marion)

I, Trial Court Administrator of the above named County and State and of the Circuit Court of the County of Marion, State of Oregon, do hereby certify that the foregoing copy of Letters Testamentary in re the estate of:

ELIAS J. UMALI

has been by me compared with the original and that it is a correct transcript therefrom and of the whole of such original record or file as the same appears of record or on file in my office and in my care and custody. I further certify that the above LETTERS are still in full force and effect.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said Court at Salem, Oregon, this 24th day of July 1985.

TRIAL COURT ADMINISTRATOR
By /s/ Phyllis Zawel

APPENDIX BB

STATE OF OREGON,)
) ss.
County of Marion,)

I, L. PATRICK HEARN, Trial Court Administrator of the Circuit Court of the County of Marion, State of Oregon, do hereby certify that the foregoing copy of

Letters Testamentary in re: ELIAS J. UMALI #85-9485

has been by me compared with the original and that it is a correct transcript therefrom and of the whole of such original record or file as the same appears of record or on file in my office and in my care and custody.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal at Salem, Oregon, this 20 day of August 1985.

/s/ L. Patrick Hearn
Trial Court Administrator

STATE OF OREGON,)
) ss.
County of Marion,)

I, VAL D. SLOPER, Judge of the Circuit Court in and for the County of Marion, State of Oregon, do hereby certify that L. PATRICK HEARN whose name is subscribed to the foregoing **certificate of attestation**, now is, and was at the time of signing the same, the Trial Court Administrator for Marion County, State of Oregon, aforesaid, and keeper and custodian of the records and files thereof, duly appointed, and that full faith and credit are, and of a right ought to be given to all his official acts, as such in all courts of record and elsewhere; and that his said attestation is in due form of law and by the proper officer, and that his signature is genuine.

Given under my hand at Salem, Oregon, this 20 day of August, 1985.

/s/ Val D. Sloper
Circuit Court Judge

STATE OF OREGON,)
) ss.
County of Marion,)

I, L. PATRICK HEARN, Trial Court Administrator of the Circuit Court of Marion County, State of Oregon, do hereby certify that the Hon. VAL D. SLOPER whose name is subscribed to the annexed and foregoing certificate was at the date of signing the same, and now is, a Judge of the Circuit Court of the County of Marion, State of Oregon, duly elected, qualified and commissioned, and that his signature is genuine.

IN WITNESS WHEREOF, I have hereunto set my hand and seal at Salem, Oregon, this 20 day of August, 1985.

/s/ L. Patrick Hearn
Trial Court Administrator

APPENDIX CC

ELIAS J. UMALI, M.D., P.C.
ROOM 408
800 Southern Avenue, S.E.
Washington, D.C. 20032
Telephone: 561-3700

August 20, 1980

Dear Bet:

I am writing you at this time marking a special time in my life when I have written a new will and testament (see enclosed) **naming you and your family as the benefactor and personal representative** to carry out my will and desire concerning everything that involves me and my property, personal and otherwise.

My lawyer recommends that you (1) make a copy of the enclosed will (xerox) 2. that you deposit this in a safety deposit box with your name, Vic's name and my name so that any or all of us can have access to it anytime. You have to give me the number of the box, and where it is located.

I do thank you for all the kindness and understanding that all of you have shown to me. I shall from time to time keep you up to date with what is happening to me over here. I am sorry that Heidi was not able to give you a breakfast birthday due to my necessity of my being at the airport early. I wish you a happy birthday.

If you have any problem with the Big Mama or the Datsun please call me. I need your prayers and love and understanding always. Give my love to Nanay and may God bless you all.

Love,
/s/ Kuya Ely

enclosed:

FILED
STATE OF OREGON
MARION COUNTY
CIRCUIT COURT
1985 SEPT 27 PM 1:45
TRIAL COURT ADMINISTRATOR
By s/PZ

MAY 11 1984

Illegible Stamp
/s/ O.S. Johnston
(Filing at Los Angeles
County Court, California)

LAST WILL AND TESTAMENT
-OF
ELIAS J. UMALI

1.00 Declaration. I, ELIAS J. UMALI, a resident of Prince George's County, State of Maryland, which I hereby declare to be my domicile, publish and declare this to be my LAST WILL AND TESTAMENT, revoking all former Wills and Codicils heretofore made by me.

2.00 Funeral Arrangements and Expenses. I desire that all arrangements for funeral services and my burial be carried out by my Personal Representative, hereinafter appointed. I direct my Personal Representative to pay the expenses of my last illness and funeral as soon after my death as practicable, without regard to any limitation imposed by law or rule of court in force at the time of my death and without the necessity of obtaining an order of court.

3.00 Distribution of Estate. I give and bequeath unto my sister and brother-in-law, TABATHA (BETTY) and VICTOR RIVERA, or the survivor, all of my property, both real and personal, of every nature and kind, wheresoever situated. If my said sister and brother-in-law should predecease me, I give and bequeath such property to their surviving children, per stirpes, in as nearly equal portions as possible, as my Personal Representative shall, in his discretion, deem practicable. Should my said sister and brother-in-law and their issue not survive me, then I give and bequeath such property to my sister, NORMA ROXAS; but, if she should predecease me, then such property shall pass to the issue of NORMA ROXAS, per stirpes; but, if none of the beneficiaries referred to above shall survive me, then my entire estate shall pass to the SEVENTH DAY ADVENTIST CHURCH. In no event and under no circumstances shall my children, JO ANN MARIE UMALI, LANA MAE UMALI, ALLISON JOY UMALI and MICHAEL ELIAS UMALI, or their issue, share or have any interest in my estate; it is my express intention that none of my said children

inherit any part of my estate.

4.00 Payment of Death Taxes. I direct my Personal Representative to pay out of my estate, all estate, inheritance, transfer and succession taxes, including interest and penalties thereon, which my be lawfully assessed by reason of my death.

5.00 Independence of Provisions. In the event that any of the provisions of this my LAST WILL AND TESTAMENT shall be held invalid, the invalidity of such provision or provisions shall not affect any of the other provisions hereof, it being my inten tion that each of the provisions shall be independent of each of the others, so that all valid provisions shall be strictly enforced.

6.00 Appointment and Powers and Duties of Fiduciaries.

6.01 Personal Representatives. I nominate and appoint my sister, TABATHA (BETTY) RIVERA, as my Personal Representative, but if she shall predecease me, or shall refuse or be unable to serve, or having qualified, shall thereafter resign, refuse or be unable to continue to so serve, I nominate an.d I appoint my brother-in-law, VICTOR RIVERA, to serve as my Personal Representative.

6.02 Designation of Successors. My Personal Representative may delegate his duties and discretions to an administrative agent or appoint a substitute Personal Representative or a Co-Personal Representative by an instrument in writing and revoke such delegation at will, in the 3;i-ne manner. Any successor Personal Representative shall be clothed and vested qith all the duties, rights and powers, whether discretionary or otherwise, as if originally named as such Personal Representative. No successor Personal Representative shall be liable or responsible in any way for any acts or defaults of any predecessor Personal Representative, nor for any loss or expense from or occasioned by anything done or neglected to be done by any predecessor Personal Representative.

6.03 No Requirement of Bond. My Personal Representative shall not be required to furnish any bond or other security for the faithful performance of his duties, either in the State of Maryland or else where, nor obtain prior approval of any court in the exercise of his powers and duties.

6.04 Fiduciary Powers. I give and grant to my Personal Representative and his successors, the following powers in addition to and not in limitation

of, common law and statutory powers:

To allot, assign, care for, collect, contract with respect to, convey, convert, deal with, dispose of, enter into, exchange, hold, improve, invest, lease, manage, mortgage, create security interests in, grant and exercise options with respect to, take possession of, pledge, receive, release, repair, sell, sue for, and, in general, to do any and every act and thing and to enter into and carry out any and every agreement with respect to the property (both real and personal whereever situated and of any nature) included in my estate which he could do if he were the absolute owner thereof: and no person dealing with my Personal Representative shall be obligated to see to the application by my Personal Representative of any money or property received by him.

7.00 Construction. This instrument shall be construed according to the laws of the State of Maryland to the extent that the law of the jurisdiction in which any property is located is not in conflict therewith and entitled to precedence; and in construing the terms of this instrument, the masculine shall include the feminine and the singular the plural, and vice versa, according to the context within which used.

IN WITNESS WHEREOF, I have hereunto set my hand to all the 4 pages of this, my LAST WILL AND TESTAMENT, this day of 20th August, 1980.

ADMITTED TO PROBATE
Date Sept 28, 1984
Attest: Frank A. Zolin, County Clerk /s/ ELIAS J. UMALI
By /s/ S. Weis Deputy

The foregoing instrument was signed, published, and declared by the testator to be his LAST WILL AND TESTAMENT, in the presence of us, at his request and in his presence, and in the presence of each other, have hereunto subscribed our names as witnesses this 20th day of August, 1980.

/s/ signature illegible

/s/ Eilien Rodgers

/s/ illegible Bogen

SEAL

SUPERIOR COURT, LOS ANGELES COUNTY CALIFORNIA

THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED IS A FULL, TRUE, AND CORRECT COPY OF THE ORIGINAL ON FILE AND OF RECORD IN CALIFORNIA MY OFFICE. ATTEST JUL 25 1985
FRANK S. ZOLIN
County Clerk Executive officer of the Superior Court of California, County of Los Angeles.
By /s/ Robinson

THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED IS A FULL, TRUE, AND CORRECT COPY OF THE ORIGINAL ON FILE AND OF RECORD IN MY OFFICE.
ATTEST NOV 29 1989
FRANK S. ZOLIN
County Clerk Executive officer of the Superior Court of California, County of Los Angeles.
By /s/ R. Wright

APPENDIX DD

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MARION
Probate Department
No. 85-9485

IN RE: ESTATE OF ELIAS J. UMALI, Deceased	) ORDER REVOKING PROBATE AND
JESSE UMALI, Petitioner	) CANCELLING LETTERS TESTAMENTARY

This matter came before the Court in a regularly scheduled hearing at 9:00 A.M. on November 13, 1987. Jesse Umali, Petitioner herein, appeared through his attorneys Sherman, Bryan, Sherman & Murch, and Victorio C. Rivera, acting Personal Representative, did not appear.

It appeared to the Court from an examination of the records and files herein that Jesse Umali, Petitioner, is entitled to the relief requested in his Petition to Revoke Probate and Cancel Letters Testamentary and the Court being fully advised in the premises,

NOW, THEREFORE:

IT IS HEREBY ORDERED AND ADJUDGED that the probate of the Estate of Elias J. Umali is revoked and the Letters Testamentary previously issued to Victorio C. Rivera are cancelled.

DATED this 17 day of November, 1987.
/s/ Richard D. Barber
Richard D. Barber, Circuit Judge

Submitted by:
Thomas E. Knapp, OSB #85257
Of Attorneys for Petitioner

1. Order Revoking Probate and Cancelling Letters Testamentary Umali, 85-9485

APPENDIX EE

SPECIAL CONDITIONS OF SUPERVISION
(Addendum to Conditions of Supervision 94CIO861)

1. **APOLOGY**:

Apologizes in writing to the Wilsons and Stringers for continuing to file claims against them after the Judgments in 1994 and 1993.

2. **PROMISE**:

Promises in writing to the Court not to file any further actions (or other legal filings, including motions) in regards to the real property and other issues in both these two cases.

3. **PROMISE**:

Promises in writing to the Court that he will not file any further cases in Marion County (Circuit or District Courts) without prior permission of this Court granted in a written order. Pursuit of Appeal of these cases do not require prior permission.

4. Forfeit all computer equipment and software. The equipment shall be donated at the Court's discretion within five (5) days of seizure. Marion County Sheriff's Office will seize and inventory the property at Defendant's residence.

5. Shall not possess or own any computer or keep any computer equipment at his residence.

6. Mental health evaluation and treatment at direction of probation officer.

10-16-97
/s/ Don A. Dickey
Circuit Judge

APPENIX FF

SEAL
STATE OF
OREGON
1859

Oregon
John A. Kitzhaber, M.D., Governor

Department of State Police
Identification Services Section
3772 Portland Road NE
Salem OR 97303
(503) 378-3070 (Voice/TDD)
FAX (503) 378-2121

April 15, 1998

VICTORIO C. RIVERA
4926 PULLMAN AVE SE
SALEM OR 97302

This letter acknowledges receipt of your fingerprint card and request for criminal history record. A technical search of our master fingerprint file was conducted on the above date and did reveal a criminal history record under the following name and state identification number:

NAME/ **RIVERA, VICTORIO** CASTODIO (10/07/25)
SID/ OR10399899

A complete copy of the criminal history record, as it appears in our files, is enclosed along with the submitted fingerprint card.

The Identification Services Section is a Division of the Department of State Police and designated by law as the central repository for criminal offender information for the State of Oregon.

Sincerely,
/s/ Patricia R. Whitfield
Program Technician I

005 04/15/98 07:12 (55NZ)
0027 04/15/98 07:11 (55**)

REUR 0026 LEDS

RR.CRH.OROSBIOOO.**VICTORIO RIVERA**-OWN RECORD
.SID/10399899.PUR/M

OREGON CCH RECORD FOR SID/OR10399899 AS OF 04/15/98 AT 07:11 BECAUSE ADDITIONS OR DELETIONS MAY BE MADE AT ANY TIME, A NEW COPY SHOULD BE REQUESTED WHEN NEEDED FOR SUBSEQUENT USE IF FURTHER DETAIL IS DESIRED, COMMUNICATE DIRECTLY TO CONTRIBUTOR ACTION ITEM: IF SUBJECT IS ARRESTED, SUBMIT "STATE" FINGERPRINT CARD ONLY -'FBI' CARD NOT NEEDED SINGLE STATE OFFENDER - RECORDS MAY EXIST THAT ARE NOT INDEXED IN FBI-III *

SID/OR10399899 FBI/145685FB5
NAM/RIVERA,VICTORIO CASTODIO DOB/100725 SEX/M
RAC/A POB/A POB/PI HGT/502 WGT/118 HAI/GRY EYE/BRO
FPC/DOPOPIPIPODIPMPOPIPI
* ADDITIONAL IDENTIFIERS*
SMI/SC UR ARM
SOC/376440508
AKA/RIVERA,VICTORIO/RIVERA,VICTORIO CUSTODIO/ RIVERA, VICTORIO CUSTODIOAKA/RIVERA, VICTORIOC/RIVERA,VICTORIO CUSTODIO CUSTODIO

ARREST #09 10-15-97OR0240000-SO SALEM FPN/3457501
NAME USED/RIVERA,VICTORIO CUSTODIO
01 ORS 137.050 FAIL TO APPEAR - BENCH WARRANT - 2 CTS

ARREST #08 08-27-97OR0240000-SO SALEM FPN/34570480
NAME USED/RIVERA,VICTORIO CUSTUDIO
01 ORS 033.045 CONTEMPT OF COURT - 2 CTS

ARREST #7 04-16-97 OR0240000-SO SALEM
NAME USED/RIVERA,VICTORIO CUSTODIO
01 ORS 033.045 CONTEMPT OF COURT - 2 CTS
02 ORS 162.315 RESISTING ARREST
COURT
01 COURT ORI NOT RECEIVED WARRANT SERVED
ORS 033.045 CONTEMPT OF COURT - CTS
02 COURT ORI NOT RECEIVED NO COMPLAINT FILED
ORS 162.315 RESISTING ARREST

ARREST #06 04-01-97OR0240000-SO SALEM FPN/34527982
NAME USED/RIVERA,VICTORIO CUSTODIO
01 ORS 162.205 FAIL TO APPEAR 1ST DEG

ARREST #05 03-07-97OR0240000-SO SALEM FPN/34502596
NAME USED/RIVERA,VICTORIO C
01 ORS 033.045 CONTEMPT OF COURT - 2 CTS

ARREST #04 12-17-96OR0240000-SO SALEM FPN/19454336
NAME USED/RIVERIA,VICTORIO CUSTODIO
01 ORS 033.045 CONTEMPT OF COURT - 2 CTS

ARREST #3 04-26-93 OR0240000-SO SALEM FPN/17042825
NAME USED/RIVERA,VICTORIO CUSTODIO
01 ORS 137.050 TO APPEAR - BENCH WARRANT CONTEMPT OF COURT

ARREST #02 03-19-93OR0240000-SO SALEM FPN/17563693
NAME USED/RIVERA,VICTORIO
01 ORS 135.250 VIOLATION OF RELEASE AGREEMENT

ARREST #01 03-17-93OR0240000-SO SALEM FPN/17563020
NAME USED/RIVERA,VICTORIO CASTODIO
01 ORS 033.045 CONTEMPT OF COURT

ENTERED 04/05/93 LAST UPDATED 10/24/97

OREGON STATE POLICE
IDENTIFICATION SERVICES SECTION
3772 PORTLAND ROAD NE
SALEM OREGON 97303-2500
OROSP6000 (503) 378-3070

APPENDIX GG

35126	REEL	PAGE
WARRANTY DEED	236	110

(Statutory Form)

GRANTOR: ELIAS J. UMALI

CONVEYS AND WARRANTS TO

GRANTEE: **VICTORIO C. RIVERA** and BETTY UMALI RIVERA, husband and wife

the following described real property free of encumbrances except as specifically set forth herein:

Lot 10, Block 3, ARCADIA SUBDIVISION, Marion County, Oregon

SUBJECT TO: Set back provisions, 20 feet from the Front Lot line; Easements, for Public Utility, along the West 5 feet; Covenants, conditions and restrictions, recorded in Book 604, Page 339, Deed Records; Covenants, conditions, restrictions and easements, recorded in Book 607, Page, Deed Records; Trust Deed, to First Federal Savings and Loan Association, now known as United Savings Bank, Mutual, recorded January 15, 1971, in Book 664, Page 282, Mortgage Records, which Trust Deed Grantees herein assume and agree to pay;

The true and actual consideration for this transfer is $55,000.00

If grantor is a corporation, this has been signed by authority of the Board of Directors, with the seal of said corporation affixed.

DATED: December 17, 1980

GRANTOR:

/s/ ELIAS J. UMALI

Until a change is requested, all tax statements shall be sent to the following address:

United Savings Bank, Mutual; P.O. Box 868; Salem, Or 97308

STATE OF OREGON, County of Marion
Date: December 17, 1980
Personally appeared
ELIAS J. UMALI
and acknowledged the foregoing instrument to be his

/s/ Linda Lewis
Notary Public for Oregon
My commission expires: January 23, 1983

STATE OF OREGON) 35126
County of Marion) ss.
)

I hereby certify Dec 17 3:15PM'80 that the within was received and duly recorded by me in Marion County records: By /s/ Reel 236 Page 110

EDWIN P. MORGAN
MARION COUNTY CLERK
By s/s FSG
DEPUTY

WARRANTY DEED
Umali to Rivera

APPENDIX HH

NOTICE OF DELINQUENT TAXES

OFFICE OF: MARION COUNTY TAX COLLECTOR PO BOX 2511
SALEM, OR 97308
PHONE: 588-5215

ACCOUNT NO. 80110-240 REAL

INTEREST CHARGED AT RATE
OF 1 1/3% PER MONTH.

RIVERA, VICTORIO C
4926 PULLMAN AVE SE
SALEM OR 97302

S9 T8 R3W
ARCADIA SUBDIVISION
LOT 10 BLK 3
& FR VACATED 10FT WALKWAY

4905 PULLMAN AVE SE

YEAR	TOTAL TAXES & ASSESSMENTS	TAXES DUE & DELINQUENT	INTEREST TO: 07-15-93	TOTAL AMOUNT DUE
92-93	1,759.69	1,759.69	117.31	1,877.00
91-92	1,702.11	1,702.11	385.82	2,087.93
90-91	1,845.41	906.68	325.98	1,232.66

FORECLOSURE PROCEEDINGS WILL BEGIN **AFTER JULY 15, 1994** ON REAL PROPERTY WITH UNPAID 1990-91 TAXES. ADDITIONAL PENALTIES WILL BE ADDED WITH FORECLOSURE.

MAILED: 6/15/93

AT01 ATS741 000703/31/94 SCREEN SI
MARION COUNTY ASSESSMENT/TAXATION SYSTEM REAL PROPERTY -TAX DATA

ROLL 1 **ACCOUNT 80110-240 YEAR FOR 93-94** 083W-09DD-06700

CURRENT YEAR TOTALS

STRINGER, LESTER LEE & VIOLA MAE
4905 PULLMAN AVE SE
SALEM OR 97302

AV: 78,610 TOTAL 23,9321 TAX RATE

TAXES AND ASSESSMENTS 1,881.31
PMTS OR ADJUSTMENTS 1,881.31
UNPAID BALANCE .00
INTEREST TO 07/15/94
TOTAL CURRENT YEAR

ARCADIA SUBDIVISION
LOT 10 BLK 3
& FR VACATED 1OFT WALKWAY

DELINQUENTS
YEAR TAX INT TOTAL

4905 PULLMAN AVE SE

TOTAL DUE BY 07/15/94
AV: 23 940 LAND
541670 IMPR

ENTER: ROLL I ACCT 80110-240 SEG TSUM YR 94 CODEAREA 00000000 TYPE 0

SEQ 0

APPENIX II

MINOR PARTITION NO. 91-14
Lot 7 Block 1 Sunset Hills Estates
NE 1/4 NW 1/4 Section 18 T.9S. R.2W. WM.
Marion County, Oregon

Name of Owner: VICTORIO C. RIVERA

SURVEYOR'S CERTIFICATE

I Jack C. Doty be duly sworn, depose and say that I have surveyed and marked with proper monuments the land represented on the attached partition map, the boundaries being described as follows:

Lot 7 Block 1 of Sunset Hills Estates lying in Section 18 of Township 9 South, Range 2 West of the Willamette Meridian in Marion County, Oregon.

Beginning at the Northwest Corner of lot 7 in Block 1 of Sunset Hills Estates, which corner lies on the North boundary of Section 18 and bears South 890 42' 34" East 2170.58 feet from the Northwest Corner of said Section 18 in Township 9 South, Range 2 West of the Willamette Meridian in Marion County, Oregon, thence South 89' 42' 34" East along the North boundary of Section 18 a distance of 600 feet to the Northeast corner of lot 7, thence South 10 54' 23" East along the East line of lot 7 a distance of 786.41 feet to the North boundary of Sunset Hills Drive, thence South 640 15' 30" West along the North line of said Drive a distance of 245.00 feet to the beginning of a 543.07 foot radius curve to the right a distance of 309.78 feet (the long chord which bears South 800 36' West 305.60 feet.), thence North 830 03' 30" West a distance of 102.10 feet to the Southwest Corner of lot 7, thence North 0' 09' 39" West along the West line of lot 7, a distance of 932.99 feet to the place of beginning.

/s/ Jack C. Doty
Registered Land Surveyor No. 1029

Subscribed and sworn to before me this 18 day of January 1991

/s/ Nanega Johnson /s/ Cherrie Shultz (OFFICIAL SEAL)
Notary Public for Oregon

My Commission Expires: 2-20-94 7-23-94

Registered Professional Land Surveyor
/s/ JACK C. DOTY

OREGON
AUGUST 22, 1975
JACK C. DOTY
1029

SURVEYED BY
Jack C. Doty

Registered Land Surveyor No. 1029
4480 Lone Oak Road S.E. Salem,
Oregon 97202 Tel. 362-4796

There are no Geodetic Control Monuments within a one half mile of this site.

NARRATIVE

The purpose of this survey is to partition lot 7 Block 1 of Sunset Hills Estates as described in Reel 293 page 1371 of Marion County Deed records.

The basis of bearings are from the plat of Sunset Hills Estates as recorded in Volume 28 page 42 Marion County's book of Town Plats.

The partition corners were established as shown on the above map and are marked with a 1/2 inch iron pipe 30 inches in length and capped with a yellow plastic cap stamped "J. C. DOTY L.S. 1029". The monuments marking the boundaries of lot 7 were recovered and held for control of the partition corners.

Reference material used in the execution of this survey is the plat of Sunset Hills Estates recorded in Volume 28 page 42.

Jack C. Doty L.S. 1029

OWNER'S STATEMENT

KNOW ALL PEOPLE BY THESE PRESENTS, that Vic Rivera being the owner of the land described in the Surveyor's Certificated hereon made and desiring to dispose of the same in parcel lots, have caused the same to be partitioned and surveyed as shown on the attached map.

There are no Water Rights appurtenant to this property.

/s/ Victorio C. Rivera

ACKNOWLEDGEMENT

State of Oregon)
) ss.
County of Marion)

KNOW ALL PEOPLE BY THESE PRESENTS, that on this 18 day of January 1991 before me, a Notary Public for Oregon, personally appeared the above named Vic Rivera who acknowledged the foregoing instrument to be his voluntary act and that he executed the same freely and voluntarily for use and purpose therein named without fear or compulsion from anyone.

/s/ Nanega Johnson
Notary Public for Oregon
My Commission Expires
2-20-94

/s/ Cherrie Shultz
Notary Public for Oregon
My Commission Expires
7-23-94

APPROVALS

The within Partition is hereby Approved:

/s/ County Surveyor Date 2/21/91

/s/ Marion County Planning Director Date 2/21/91

Planning File Number P90-30

State of Oregon)
) ss.
County of Marion)

I do hereby certify that the attached partition Number 91-14, was received for record on the 22 day of February, 1991 at 1:58 o' clock P.M. and recorded in the Record of Partition Plats. It is recorded in the Marion County Deed Record as Reel 834 Page 411.

Alan Davidson Marion County Clerk

By /s/ Deputy county Clerk

APPENDIX JJ

REEL	PACE
1072	495

CONTRACT OF SALE

THIS AGREEMENT is made and entered into this **1st day of June, 1993,** between MARION COUNTY, a political subdivision of the State of Oregon, designated the Seller, and Tony J. Whisman and Stephenie L. Whisman, Husband and Wife designated the Purchaser.

IN CONSIDERATION of the covenants and agreements herein, Seller agrees to sell, and Purchaser agrees to buy, that certain parcel of land located in the County of Marion, State of Oregon, described as follows:

Tax Lot #74930-070

PARTITION PLAT 1991-14, PARCEL 1, Section 18, Township 9 South, Range 2 West of the Willamette Meridian, Marion County, Oregon.

until a change is requested, all tax statements shall be sent to the following address:

RETURN TO: Tony and Stephenie Whisman
875 South East-Wert Court
Sherwood, Oregon 97140

PRICE: Purchaser agrees to pay $37,505.00 for said property, Tax Lot #74930-070

a) Purchaser has previously paid to the Seller the sum of $7,501.00 in cash. This sum shall be applied to the purchase price.

b) Interest on the remaining balance of $30,004.00 shall accrue at the rate of 12% per annum from the closing date. The unpaid balance of the purchase price shall be paid in 120 monthly installments of $430.47 each, including interest, with

PURCHASER
NAME /s/ Tony J. Whisman
/s/ Stephenie Whisman

ADDRESS 875 SE Wert Court
Sheridan, Or 97140
PHONE # 625-3334

STATE OF OREGON) ss.
County of Marion)
Pursuant to ORS 93.635, the foregoing instrument was acknowledged before me, this 21st day of June, 1993,
by /s/ Tony J. Whisman
/s/ Stephenie Whisman
Notary Public for Oregon
My commission expires:
/s/ Shirley A. Serugel 6-28-94

SELLER
MARION COUNTY
BOARD OF COMMISSIONERS

/s/ Randall Franke
CHAIRMAN
/s/ Gary Heer
COMMISSIONER

/s/Mary Permine
COMMISSIONER,

STATE OF OREGON)
County of Marion) ss.
Pursuant to ORS 93.635, the foregoing instrument was acknowledged before me, this 4th day of June, 1993,
by /s/ Randall Franke, s/Gary Heer, and /s/ Mary Pearmine
/s/ Angela E. Saddler
Notary Public for Oreqon

APPENIX KK

REEL	PAGE
1077	1 43

CONTRACT OF SALE

THIS AGREEMENT is made and entered into this **1st day of June, 1993,** between MARION COUNTY, a political subdivision of the State of Oregon, designated the Seller, and Gary R. Tesch designated the Purchaser. IN CONSIDERATION of the covenants and agreements herein, Seller agrees to sell, and Purchaser agrees to buy, that certain parcel of Land located in the County of Marion, State of Oregon, described as follows:

Tax Lot #74930-071

PARTITION PLAT 1991-14, PARCEL 2, Section 18, Township 9 South, Range 2 West of the Willamette Meridian, Marion County, Oregon. ALSO a 20 foot vehicular access for ingress, egress and utility easement over and across the Easterly side of PARCEL 3, PARTITION PLAT 1991-14, Section 18, Township 9 South, Range 2 West of the Willamette Meridian, as plated, Marion County, Oregon.

Until a change is requested, all tax statements shall be sent to the following address:

RETURN TO: Gary R. Tesch
4916 Fillmore St. N
Keizer, Oregon 97303

PRICE: Purchaser agrees to pay $47,691.00 for said property, Tax Lot #74930-071

a) Purchaser has previously paid to the Seller the sum

PURCHASER
NAME /s/ Gary Tesch
ADDRESS 4716 Fillmore St. N
Keizer, Or 97303
PHONE # 390-9418

SELLER
MARION COUNTY
BOARD OF COMMISSIONERS
/s/ Randall Franke
CHAIRMAN
/s/ Gary Heer
COMMISSIOMER
/s/ Mary Pearmine
COMMISSIONER

STATE OF OREGON) ss.
County of Marion)
Pursuant to ORS 93.635, the foregoing instrument was acknowledged before me, this 8th day of June, 1993,
by /s/ Gary Tesch
/s/ Shirley Saugel
Notary Public for Oregon
My commission expires:
6-28-94

STATE OF OREGON) ss.
County of Marion)
Pursuant to ORS 93.635, the foregoing instrument was acknowledged before me, this 4th day of June, 1993,
by /s/ Randall Franke, S/Gary Heer,
/s/ Mary Pearmine
/s/ Angela E. Saddler
Notary Public for Oregon
My commission expires: 7/16/95

APPENDIX LL

REEL	PAGE
1070	93

QUITCLAIM DEED

KNOW ALL MEN BY THESE PRESENTS, that MARION COUNTY, a Political Subdivision of the State of Oregon hereinafter called grantor, for the consideration hereinafter stated, does hereby remise, release and quitclaim unto DAVID L. WILSON hereinafter called grantee, and unto grantee's heirs, successors and assigns all of the grantor's right, title and interest in that certain real property with the tenements, hereditaments and appurtenances thereunto belonging or in any way appertaining, situated in the County of MARION, State of Oregon, described as follows, to-wit:

Tax Lot #74930-072

PARTITION PLAT 1991-14, PARCEL 3, Section 18, Township 9 South, Range 2 West of the Willamette Meridian, Marion County, Oregon.

SAVE AND EXCEPT a 20 foot vehicular access for ingress, egress and utility easement over and across the Easterly side of PARCEL 3, PARTITION PLAT 1991-14, Section 18, Township 9 South, Range 2 West of the Willamette Meridian, as plated, Marion County, Oregon.

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)

To Have and to Hold the same unto the grantee and grantee's heirs, successors and assigns forever. The true and actual consideration paid for this transfer, stated in terms of dollars, is $30,090.00 However, the actual consideration consists of or includes other property or value given or promised which is the whole part of the consideration (indicate which). (The sentence between the symbols, if not applicable, should be deleted. See ORS 93.030.) In construing this deed, where the context so requires, the singular includes the plural and all grammatical changes shall be made so that this deed shall apply equally to corporations and to individuals. In Witness Whereof, the grantor has executed this instru ment this 4th day of June, 1993; if a corporate grantor, it has caused its name to be signed and its seal, if any, affixed by an officer or other person duly authorized thereto by order of its board of directors.

MARION COUNTY BOARD OF COMMISSIONERS

THIS INSTRUMENT WILLNOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATIONS BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT. THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USS

/s/ Randall Franke /s/ Mary Pearmine
CHAIRMAN COMMISSIONER
/s/ Gary Heer
COMMISSIONER

STATE OF OREGON, County of Marion)ss.
This instrument was acknowledged before me on June 4, 1993 by Randall Franke, Gary Heer and Mary Pearmine
/s/ Angela E. Saddler
Notary Public for Oregon
my commission expires 7/16/95

APPENIX MM

WILLIAM J. GALLAGHER, M.D., P.C. PHYSICIAN AND SURGEON
ORTHOPAEDIC SURGEON 1050 OAK STREET, S.E.
SALEM, OREGON 97301
(503) 585-5073
FAX (503) 588-2980

June 10, 1998

To Whom It May Concern

RE: VICTORIO RIVERA

Mr. Victorio Rivera sustained a comminuted fracture of the right humerus on 19 October, 1997. Comminuted fracture means that there are several pieces at the fracture site. In fact, Mr. Rivera's fracture consisted of four fragments. He was brought to the ER and checked in at the ER at 2:37 a.m. on 19 October, '97. He was admitted to the hospital at that time and underwent surgery on the right humerus with plating of the fracture on 19 October, 97. He was discharged from the hospital on 21 October.

Also, the injury involved the radial nerve and he lost use of some of the muscles in the right forearm and hand for quite some time following the injury.

The fracture did not heal and the plate and screws pulled away from the bone, necessitating a second surgical procedure. Mr. Rivera was admitted to the hospital on 20 April, '98 at which time the right humerus was again operated and a new plate and screws were placed. A bone graft taken from his ilium was used at that time as well. He did well following this surgery except the radial nerve again quit working. At the present time, the nerve is still not functioning normally as he does not have full use of his hand yet. At the last visit of 9 June, '98, x-ray examination showed good position of the fracture with the plate and screws remaining in good position. The fracture was healing as expected. Mr. Rivera has also been using an external bone stimulator to help promote healing and has used it for several months.

Mr. Rivera is expected to have a complete recovery from his injury but it is too early to state that within medical probability. He continues to be followed at this office for this problem.

Sincerely,

/s/ William J. Gallagher, M.D., P.C.
WJG/jlz

APPENDIX NN

SEAL

U.S. Department of Justice
Federal Bureau of Investigation

In Reply, Please Refer to
File No. 282-0

Post Office Box 709
Portland, OR 97207
March 1,1999

Mr. Victorio C. Rivera
4926 Pullman Avenue SE
Salem, Oregon 97302

Dear Mr. Rivera:

This is to acknowledge the receipt of your letter on February 11, 1999.

A careful review of your letter has been made by the Portland Office of the FBI. Based on the information set forth in your letter there is no jurisdictional basis for this office to initiate an investigation.

Sincerely,
KATHLEEN L. McCHESNEY
Special Agent in Charge

By: /s/ STEVEN R. FIDDLER
Supervisory Special Agent

APPENDIX OO

U.S. Department of Justice
Office of Professional Responsibility
Washington, D.C. 20530
March 2, 1999

Victorio C. Rivera
4926 Pullman Avenue, SE
Salem, Oregon 97302

Dear Mr. Rivera:

This is in response to your January 30, 1999 correspondence to the Office of Professional Responsibility (OPR), in which you complained that a United States Attorney has failed to prosecute State of Oregon officials for alleged federal violations of your constitutional and civil rights.

OPR is responsible for reviewing allegations of professional misconduct against Department of Justice employees that relate to the exercise of their authority to investigate, litigate or provide legal advice. Please be advised that United States Attorneys are vested with broad discretionary authority in determining whether alleged violations of federal law should be pursued. In the absence of specific information showing that that authority has been corruptly, or otherwise inappropriately, exercised, this office will not review decisions made pursuant to that authority. We have reviewed your correspondence and have found no basis on which any action by this office would be warranted.

You may wish to seek the advice of private counsel or the nearest Legal Aid Society to determine what additional legal avenues, if any, may be available to you.

We regret that we can be of no further assistance to you and are taking no action.

Sincerely,

Richard M. Rogers
Deputy Counsel

By: s/ Annie A. Wong
Annie A. Wong
Program Analyst

APPENDIX PP

4926 Pullman Ave. SE
Salem, Oregon 97302
March 8, 1999

CERTIFIED MAIL
No. Z 441 276 710

KATHLEEN L. McCHESNEY
(Special Agent in Charge)
FEDERAL BUREAU OF INVESTIGATION
1500 Southwest First Avenue
Crown Plaza Building
Portland, Oregon 97201

Re: Reporting Criminal and Civil Rights Violations committed by the State of Oregon and conspirators

Dear Attorney McChesney:

On December 26, 1998 and December 30, 1998, I wrote to the United States Attorney for the State of Oregon KRISTINE OLSON demanding prosecution of the numerous criminal and civil rights violations committed against me in my person and against my properties by the State of Oregon and their conspirators such as:

1. Attempted "MURDER" by hanging by the Peace Officers;

2. Two attempted "KIDNAPPINGS" by the Peace Officers;

3. "ASSAULT AND BATTERY" by breaking my right upper arm in four (4) places with a metal tool by the Peace Officers;

4. "ROBBED" of real estate property located at 4905 Pullman Avenue SE, Salem, Oregon secured by "Warranty Deed";

5. "ROBBED" of real estate property located at 3955 Sunset Hills Drive, SUNSET HILLS ESTATE, Turner, Marion County, Oregon secured by "Special Warranty Deed";

6. "ROBBED" of real estate property located at 3995 Sunset Hills Drive, SUNSET HILLS ESTATE, Turner, Marion County, Oregon secured by "Special Warranty Deed";

7. "ROBBED" of real estate property located at 3925 Sunset Hills Drive, SUNSET HILLS ESTATE, Turner, Marion County, Oregon secured by "Special Warranty Deed";

8. "ROBBED" of Inheritances as the SOLE DEVISEE to the estate of decedent Dr. Elias J. Umali;

9. "ROBBED" of State-job after 12 YEARS of excellent work performances by unlawful discharged without compensation;

10. Nine (9) "FALSE ARRESTS" without jurisdiction and without a warrant as a "COVER UP";

11. Nine (9) "FALSE INCARCERATIONS" without a probable cause and without jurisdiction as a "COVER UP";

12. "FALSE CONFINEMENT" in the Oregon State Hospital without jurisdiction and without a probable cause as a "COVER UP";

13. "HARASSMENTS" by preventing me and family from entering my property for nine (9) YEARS by placing a Personalized Padlock "BELL SYSTEM" on my gate;

14. "FORGERY" of several public documents as a "COVER UP";

16. "CONSPIRACY" to destroy me as a person as a "COVER UP";

17. "CONSPIRACY" to robbed me of my properties;

18. "OBSTRUCTION OF JUSTICE" to cover up numerous criminal acts committed against me;

19. "FORCIBLE ENTRY and UNLAWFUL DETAINER" of my real estate properties;

20. "AGGRAVATED ASSAULT" to forcibly broke my right upper arm in four (4) places with a metal tool;

21. "LARCENY" by taking my money from the Banks;

22. "RECEIVING STOLEN PROPERTY"; and

23. "OBTAINING PROPERTY BY FALSE PRETENSES".

On January 8, 1999, I called the Office of U.S. Attorney KRISTINE

OLSON to inquire the "STATUS" of my two letters mentioned above. I was told that said office will contact the Federal Bureau of Investigation "FBI" to get in touch with me.

On January 26, 1999, the Office of the Federal Bureau of Investigation "FBI" headed by the Special Agent in Charge KATHLEEN L. McCHESNEY wrote to me to acknowledged receiving correspondence and to provide me informations that I should know and quote in relevant part as follows:

> "The Federal Bureau of Investigation investigates civil rights complaints in Federal and State prisons. When a civil rights complaint is received at the FBI Field Office, it must (1) be written by the victim or someone with first hand knowledge of the alleged incident; (2) describe the kinds of injuries sustained and whether or not medical treatment was sought; (3) contain the names of witnesses, and when and where the incident took place."

(Copy of said FBI letter dated January 26, 1999 is attached hereto as EXHIBIT #1, and incorporated herein for reference.)

DISCUSSION #1

On February 10, 1999, I send you a copy of my verified Complaint based on my personal knowledge of the numerous criminal and civil rights violations committed against me and to my properties by the State of Oregon and conspirators. It explain in detail the various incidents, described the kinds of injuries sustained, the kind of surgery and medical treatment sought, the name of witnesses and supporting documents, and contain the when and where the incident took place. Besides, I am a living "survivor" of the attempted murder against me while, I was unlawfully placed in a solitary confinement without jurisdiction and without a probable cause by the Peace Officers of the State of Oregon.

There is no other law enforcing agency in this world that could investigate and prosecute criminal acts and civil rights violations deliberately committed against me and the legal process by the State of Oregon and conspirators except the United States Attorney for Oregon and the Federal Bureau of Investigation "FBI".

I am entitled to the protection of the laws by the United States Attorney for Oregon and by the Federal Bureau of Investigation because I am a lawful Tax Payer of this great country the United States of America. I am also,

a naturalized citizen of the United States of America and of the State of Oregon.

To the contrary of the above described, on March 1, 1999, the Office of the Federal Bureau of Investigation sent me a letter to acknowledge receiving my letter without mentioning my verified Complaint containing 42 EXHIBITS of various documents certified to be true and correct copy of the original in support of the 270 AVERMENTS in my complaint. Said FBI letter dated March 1, 1999 provides and quote in relevant part as follows:

> "A careful review of your letter has been made by the Portland Office of the FBI. Based on the information set forth in your letter THERE IS NO JURISDICTIONAL BASIS for this office to initiate an investigation."

(Copy of said FBI letter dated March 1, 1999 is attached hereto as EXHIBIT #2, and incorporated herein for reference.)

DISCUSSION

You know, that the United States Attorney for the State of Oregon and the Federal Bureau of Investigation have jurisdiction to investigate and to prosecute the numerous criminal acts and civil rights violations by the State of Oregon and conspirators because you said so and I quote in relevant part as follows: "THE FEDERAL BUREAU OF INVESTIGATION INVESTIGATES CIVIL RIGHTS COMPLAINTS IN FEDERAL AND STATE PRISONS." FBI letter 1/26/99

WHEREFORE, I respectfully urge the office of the United States Attorney for Oregon KRISTINE OLSON and the Office of the Federal Bureau of Investigation headed by the Special Agent in Charge KATHLEEN L. McCHESNEY to investigate and prosecute the numerous criminal acts and civil rights violations by the State of Oregon and conspirators against me and against the legal process. Also, I am entitled to my rights to the due process of law and the equal protection of the laws guaranteed by the Fourteenth Amendment to the United States Constitution, Section 1.

May I hear from you soon. Thank you very much.

Respectfully yours,

/s / VICTORIO C. RIVERA
Complainant

APPENDIX QQ

OREGON STATE HOSPITAL

State of Oregon
Department of Human Resources
Mental Health & Developmental
Disability Services Division

June 17, 1997: FULL DISCHARGE (Admitted 4/18/97)

Data from the Admission History will be reprinted at the end of this Discharge Summary.

IDENTIFYING DATA: Mr. Victorio Rivera is a 71-year-old art instructor at Chemeketa Community College admitted on court order on 4/18/97 to Ward 48C for evaluation of ability to aid and assist in his defense against the charge of contempt of court.

FINAL DIAGNOSES (DSM-IV/ICD-9-CM)

Axis I V71.09 No diagnosis
Axis II V71.09 No diagnosis
Axis III V12.4 Seizures secondary to withdrawal from Lorazepam, resolved.
401.9 Hypertension
250.00 Adult non-insulin-dependent diabetes mellitus, mild, diet controlled

DISCHARGE MEDICATIONS:
Lorazepam 0.5 mg h.s.
Procardia XL 30 mg p.o. daily

LABORATORY DATA: PPD was nonreactive, RPR nonreactive, TSH and CBC within normal limits. A urinalysis showed 1+ proteinuria. Stool hemoccult negative. Dilantin level 18. Glycosylated hemoglobin 5.6. Chemistry screen negative except for fasting sugar of 136, a BUN of 40, a creatinine of 1.2, an LDH of 694, SGPT of 90. Serum albumin normal.

HOSPITAL COURSE: Mr. Rivera had been admitted to Ward 48C directly from the Marion County Jail on a 161.370 assessment of ability to aid and assist. His charge was contempt of court. It seemed to all revolve around numerous lawsuits that Mr. Rivera had brought against owners of his previously owned property, both in South Salem and in Turner, Oregon. The

courts had ruled that he had no basis to his suits and had ordered him not to refile unless he had significantly different premises on which to base his suits.

Of note is the fact that he has taken 1 mg of Lorazepam h.s. to promote sleep for quite a long time and recently he had reduced the dose to 1/2 mg h.s. While at the Marion County Jail he had not received any Ativan. He was also on Procardia XL for longstanding hypertension. on admission his blood pressure was 200/100 and fell to 190/96. Admission diagnoses were hypertension and borderline diabetes mellitus. He was seen on the day of admission by Dr. Brooks in medical consultation. Admission lab work was ordered and he was started on Procardia 10 mg t.i.d. until his XL form could be obtained.

On 4/19/97 he had a generalized seizure around 9:48 a.m. lasting about two minutes tonic-clonic activity in all extremities. He was incontinent of urine, very confused, and disoriented afterwards. He was seen by Dr. Cain and then later by Dr. Biscar. He was transferred to the Salem Hospital emergency room and loaded with intravenous Dilantin. He was returned and placed on the medical unit on 35B for further care. A lumbar puncture was done showing a slightly increased glucose of 93 and a protein of 49. His white blood ceil count was 16000 with essentially normal differential. His fasting sugar was 151. He had a second seizure in the emergency room and it was thought that possibly he was having either alcohol or a venzodiazepine withdrawal reaction. A CT scan of the head was obtained.

Due to a miscommunication, he was returned a second time to the emergency room for reevaluation because of inaccurately reported spinal fluid findings suggestive of meningitis. He was again returned to 35B. After discussions with the Forensic Hospital staff, it was decided that probably 35B would be a safer environment for him while his court-ordered evaluations were done. He was very pleasant, oriented, and was very persistent about the legitimacy of his claims against property in Salem. The first few weeks he spent in his room basically writing up more briefs or summaries of prior activities. An attempt was made to take him off the Ativan, but insomnia returned and Ativan was restarted on June 11 at a 1/2 mg at h.s.

On 5/17/97 he was evaluated by Dr. Balsamo of the Forensic Evaluation Service who found him not pathologically delusional and felt that he was able to aid and assist in his own defense. He was released to the Marion County Court on 6/17/97.

DRIVING STATEMENT: There is no psychiatric reason why the patient may not drive an automobile.

AFTERCARE PLAN: As noted he was released to Marion County Court to act in his own defense. His living arrangements are his privately owned home in South Salem. He is supported by his Chemeketa salary and Social Security benefits. He has family living in the area but has no vocational or educational needs.

/s/ Barney S. Saunders, MD/ss
D: 7/10/97 R: 7/10/97 T: 7/10/97

THE FOLLOWING PORTIONS ARE REPRINTED FROM THE ADMISSION HISTORY
(see next page)

NAME: RIVERA, Victorio
OSH#: 67564
UNIT: 35B - CAGTS-SALEM
File: Physician Assessment PAGE: 2 BSIss
DISCHARGE SUMMARY 97-06-17.DS/064.WRD/67564

APPENDIX RR

OREGON CONSTITUTION, Art. 5, § 10

The Governor, as Chief Executive Officer, is charged under the Constitution with seeing that the laws are faithfully executed.

APPENDIX SS

OREGON REVISED STATUTES. ORS 180.060-.080

The Governor may request or direct the Attorney General to undertake investigations, prosecutions and appearances before a Grand Jury.